

XIIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20392 OF 2004

(From the judgement and order dated 10/09/2004 in CRP No. 4175/2004
of HIGH COURT OF A.P AT HYDERABAD)

P.JOHNSON & ANR.

Petitioner

(s)

VERSUS

V. AMOS @ RAMULU & ORS.

Respondent

(s)

(With prayer for interim relief and office report)

Date: 31/01/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s)

Mr. Venkateswara Rao Anumolu,Adv.

For Respondent(s)

Mr. D. Mahesh Babu, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)

(Kanwal Singh)

Court Master

Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 798 OF 2005

(Arising out of SLP(C) No.20392/2004)

P. Johnson & Another

..Appellants

Versus

V.Amos @ Ramulu & Ors.

..Respondents

O R D E R

Leave granted.

The High Court by the impugned order has held that the District Judge did

not have the jurisdiction to entertain the cases arising from agency area, without

issuing notice to the respondents i.e. the appellants herein. The High Court

observed "The entertainment of the petition ex facie is illegal. There is no need to call upon the respondents (appellants herein) and hear them". Since the High Court has passed the impugned order without issuing notice and hearing the appellants, the same cannot be sustained.

We, therefore, accept this appeal, set aside the impugned order of the High Court and remit the case back to the High Court for a fresh decision after hearing both the parties. Appellants who were the respondents before the High Court accept notice in the Revision Petition pending before the High Court.

Parties are directed to appear before the High Court on 21st February, 2005 either in person or through their counsel. The High Court may thereafter proceed with the case in accordance with law.

The Appeal is allowed with no order as to costs.

J.

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[Ashok Bhan]

New Delhi;

J.

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January 31, 2005.

[Dr. AR. Lakshmanan]