

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

Review Petition(Civil) No.1387/2000 in SLP(Civil)No.564/2000

CHAMAN LAL VISHWAKARMA & ANR. Petitioner (s)

VERSUS

KANTI DEVI & ORS. Respondent (s)
(With Appln(s). for c/delay in filing review petition)

Date : 29/07/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MRS.JUSTICE RUMA PAL
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Rameshwar Prasad Goyal,Adv. for
Mr. K.K. Gupta,Adv.

For Respondent Mr. Sunil Kumar Singh,Adv.
1 and 3-8 Ms. Niranjana Singh,Adv.

Respondent No. 2 In person
(Krishna Kant Jaiswal)

UPON hearing counsel the Court made the following

O R D E R

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Delay condoned.

The review petition is allowed. Order dated 21.02.2000
dismissing the SLP is recalled. The Special Leave Petition
shall be treated as pending and posted for hearing before an
appropriate Bench.

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(N.K. Goel) (Radha R. Bhatia)
Court Master Court Master
(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (CIVIL) NO. 1387 OF 2000@@
EE

IN

SPECIAL LEAVE PETITION (CIVIL) No. 564 OF 2000@@
EE

CHAMAN LAL VISHWAKARMA & ANR.

Petitioners

versus

KANTI DEVI & ORS.

Respondent

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Smt. Shiva Moorti Devi, respondent No. 9 is reported to have died. The application for bringing her legal representatives on record is formally allowed inasmuch as she is a proforma party who has not contested the proceedings in the High Court.

We have heard the learned counsel for the petitioner, the learned counsel for respondent Nos. 1, 3 to 8 and the respondent No. 2, who is present in person.

Having heard the learned counsel for the parties we are of the opinion that this review petition deserves to be allowed. The judgment of the High Court, which was impugned by filing the SLP in this Court, placed reliance on

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and followed the decision of this Court in Jugraj Singh@@

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and another vs. Labh Singh and others [(1995) 2 S.C.C.@@

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31]. This Court was also while passing the Judgment under review persuaded to uphold the decision of High Court because of feeling bound by the decision in Jugraj Singh's case (supra). The Judgment under review was rendered on 21.02.2000. However, the decision in Jugraj Singh's case (supra) had stood overruled by this Court in Ram Awadh (Dead) by Lrs. and others vs. Achhaibar Dubey@@
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and another [(2000) 2 S.C.C. 428] decided on@@
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01.02.2000.

Unfortunately the attention of this Court while passing the order under review was not specifically invited to the decision of this Court in Ram Awadh's case. Be that as it may, inasmuch as three Judge Bench decision in Ram Awadh's case (supra) which is binding on this Court was overlooked and the decision in Ram Awadh's case shall have a material bearing on the decision of the present case, the Judgment under review suffers from an error apparent and deserves to be recalled.

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The review petition is allowed. Order dated 21.02.2000 dismissing the SLP is recalled. The Special Leave Petition shall be treated as pending and posted for hearing before an appropriate Bench.

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.....J.@@
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(R.C. LAHOTI)@@
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(RUMA PAL)@@
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.....J.@@
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(BRIJESH KUMAR)@@
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NEW DELHI@@
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JULY 29, 2002@@
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