

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).6668/2009

(From the judgement and order dated 17/12/2007 in DBCSA No. 261/1998 of  
The HIGH COURT OF RAJASTHAN AT JAIPUR)

STATE OF RAJASTHAN & ORS.

Petitioner(s)

VERSUS

AMAR NATH PAREEK & ORS.

Respondent(s)

(With office report )

Date: 04/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Dr. Manish Singhvi, AAG  
Mr. Amit Lubhaya, Adv.  
Mr. Irshad Ahmad, Adv.

For Respondent(s)

Mr. S.K. Keshote, Sr.Adv.  
Mr. Shashank Pareek, Adv.  
Mr. Sarad Kumar Singhania, 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.  
Since the appeal has been allowed, no orders are  
required to be passed on the applications for interim stay and  
correction of typographical error.

(Sukhbir Paul Kaur)  
Court Master

(Indu Bala Kapur)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.76 OF 2013  
(Arising out of S.L.P.(C) No.6668 of 2009)

|STATE OF RAJASTHAN AND OTHERS

|Appellant(s) |

Versus

|AMAR NATH PAREEK AND OTHERS

|Respondent(s) |

O R D E R

We have heard learned counsel for the parties.  
Leave granted.

In our opinion, the very reason given by the Division Bench for setting aside the judgment and order of the learned Single Judge, is the reason for which we have no option but to set aside the order of the Division Bench. The Division Bench has set aside the order of the learned Single Judge on the basis that the order is perverse. At the same time, the Division Bench also gives no reason as to why the order of the learned Single Judge is perverse. It being a non speaking order, the order passed by the Division Bench cannot be sustained. The same is hereby set aside. The matter is remanded back to the Division Bench of the High Court for reconsideration of the entire matter

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on merits. Let the Writ Appeal be decided afresh after giving due opportunity of hearing to all the concerned parties.

The appeal is, accordingly, allowed.

.....J.

(SURINDER SINGH NIJJAR)

.....J.

(SUDHANSU JYOTI MUKHOPADHAYA)

New Delhi,  
January 04, 2013