

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).31417/2010

(From the judgement and order dated 02/02/2010 in FA No.449/2002 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P.& ORS.

Petitioner(s)

VERSUS

BHOOP SINGH

Respondent(s)

(With appln(s) for exemption from filing O.T.,extension of time and with prayer for interim relief and office report)
[for final disposal]

Date: 20/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Ms. Shobha Dixit, Sr. Adv.
Mr. M.R. Shamshad, Adv.
Mr. Ahmad S. Azhar, Adv.

For Respondent(s) Mr. Anjani Kumar Jha,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

Appeal is allowed in terms of signed order. No costs.

(Pardeep Kumar)		(Renu Diwan)	
Court Master		Court Master	

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5345 OF 2012
[ARISING OUT OF S.L.P. (C) NO. 31417 OF 2010]

Versus

BHOOP SINGH

... RESPONDENT(S)

O R D E R

Leave granted.

2. The impugned judgment/order of the High Court dismissing the First Appeal is cryptic and does not assign any reason for affirming the findings of the Reference Court. The entire judgment/order passed by the High Court reads as under:

"The present First Appeal has been preferred by the appellant against the judgment and award dated 21.2.2000 passed by the Special Judge (SC/ST Act), Bulandshahar in LAR No. 194 of 1987.

Heard learned counsel appearing on behalf of the parties.

Learned counsel for the appellant has vehemently argued various points in support of his contention and has submitted that the judgment and order passed by the court below is illegal,

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perverse and against the law and the same cannot be sustained in law as the relevant material has not been considered by the Tribunal.

We have examined the judgment and order passed by the Court below in depth and have carefully perused the findings recorded by the Court below with which we are in full agreement. Learned counsel for the appellant has also failed to establish any illegality or infirmity in the judgment and order of the court below. The First Appeal is devoid of merit and is hereby dismissed. The judgment and award of the Court below is hereby confirmed. The interim order, if any, stands vacated."

3. Since it is not discernible from the impugned judgment/order that the High Court had called for the record of the Reference Court and perused the evidence and moreover, the judgment/order is a non-speaking one, in the matter of first appeal, we are satisfied that first appeal deserves to be heard and disposed of afresh by the High Court in accordance with law and on consideration of the record.

4. Civil Appeal is, accordingly, allowed. The judgment/order dated February 2, 2010 passed by the High Court is set-aside. First Appeal No. 449 of 2002 - State of Uttar Pradesh and others vs. Bhoop Singh is restored to the file of the High Court of Judicature at Allahabad. The High Court is requested to hear and

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dispose of the First Appeal as expeditiously as may be possible and preferably within six months from the date of production of copy of this order.

5. No costs.

.....J.
(R.M. LODHA)

.....J.
(ANIL R. DAVE)

NEW DELHI
JULY 20, 2012.