

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).32019/2010

(From the judgement and order dated 26/02/2010 in FA No. 113/2010 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SUSHILA RANI Petitioner(s)

VERSUS

MUKESH KUMAR & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 04/07/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Pratik Mittal, Adv.
Mr. Satya Prakash Yadav, Adv.
Mr. Debasis Misra, Adv.

For Respondent(s) Mr. Ajay Kumar, Adv.
Mr. Krishan Kumar, Adv.
Mr. Vipin Kumar Jai, Adv.

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

Leave granted.

Appeal is allowed in terms of the signed order. The orders dated 26.2.2010 and 16.7.2010 are set aside and the appeal is restored to file of the High Court for disposal on merits.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4985 OF 2011
[Arising out of SLP(C) No.32019/2010]

SUSHILA RANIAPPELLANT

Versus

MUKESH KUMAR & ORS.RESPONDENTS

O R D E R

Leave granted.

2. The appellant filed a suit for a permanent injunction. The trial Court dismissed the suit. The first appeal filed by the appellant (FA NO.113/2010) was dismissed by the High Court on 26.2.2010 by the following single line order: 'on account of misconduct of learned counsel for the appellant, this appeal is dismissed'. The recall application filed has been dismissed by another single line order dated 16.7.2010 as follows: 'It is by way of punishment the recall application is rejected'.

3. Unfortunately, the High Court has not chosen to disclose what was the misconduct of the learned counsel for the appellant and why the consequences thereof should be visited on the appellant. We deprecate such non-reasoned arbitrary orders when first appeal is a matter of right.

4. Appeal is, therefore, allowed. The orders dated 26.2.2010 and 16.7.2010 are set aside and the appeal is restored to file of the High Court for disposal on merits.

.....J.
(R.V. RAVEENDRAN)

New Delhi;J.
July 04, 2011. (A.K. PATNAIK)