

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).28180/2008

(From the judgement and order dated 31/07/2008 in FA No.287/2002  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MADHAV @ MAHADEV

Petitioner(s)

VERSUS

SINDHU PATIL &amp; ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for  
interim relief)

Date: 05/12/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Basava Prabhu S. Patil, Sr. Adv.  
Mr. B. Subrahmanya Prasad, Adv.  
Mr. V.N. Raghupathy, Adv.For Respondent(s) Mr. G.V. Chandrashekar, Adv.  
Mr. N.K. Verma, Adv.  
Ms. Anjana Chandrashekar, Adv.UPON hearing counsel the Court made the following  
ORDER

Leave granted.

Heard learned counsel for the parties.

The appeal is allowed.

[ T.I. Rajput ]  
A.R.-cum-P.S.[ Savita Sainani ]  
Court Master[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7145 OF 2008  
(Arising out of S.L.P. (C) No.28180 of 2008)

Madhav @ Mahadev

...Appellant(s)

Versus

Sindhu Patil and Anr.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

By the impugned order, High Court dismissed Regular First Appeal preferred against decree without considering oral and documentary evidence adduced on behalf of the parties. It is well settled that, in appeal against decree, the First Appellate Court is itself required to consider oral and documentary evidence adduced by the parties and the same having not been done, the impugned order is fit to be set aside on this ground alone.

Accordingly, the appeal is allowed, impugned order rendered by the High Court is set aside and the matter is remitted to the High Court to dispose of first appeal in accordance with law after giving opportunity of hearing to the parties.

J.

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[B.N. AGRAWAL]

J.

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[G.S. SINGHVI]

New Delhi,  
December 05, 2008.