

(1999) 08 SC CK 0158
In the Supreme Court Of India
Case No : Civil Appeal No. 4836 Of 19991

Lajwanti

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 30-08-1999

Acts Referred:

Citation : (2000) 10 SCC 313

Hon'ble Judges : S. S. M. Quadri, J;S. P. Bharucha, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

S.P.BHARUCHA, J.-Leave granted.

2. An order was passed by the Delhi High Court on 9-7-1997. It was passed ex parte against the appellant. An application for recall of that order was made. The application stated that on the relevant day the cause-list did not mention the name of the counsel for the appellant. The High Court declined to recall the order saying that it saw no ground to restore and rehear the petition which had been decided on merits.

3. The name of the appellant's advocate not having been shown in the cause-list for the relevant day against the writ petition concerned, there was sufficient cause, in our view, to recall the order and hear the appellant's counsel on the writ petition. This is the order that we propose to pass. Having regard to the lapse of time, the restored writ petition shall be heard and disposed of within four weeks of receipt of this order. It shall be open to the respondents to point out the orders passed on similar writ petitions by the Delhi High Court and confirmed by this Court.

4. The appeal is allowed and the order under appeal is set aside. The writ petition (Civil Writ Petition No. 184 of 1987) is restored to the file of the High Court to be heard and disposed of on merits as afore-stated. Pending further orders by the High Court, the status quo as to possession as of 9-2- 1998 shall

be maintained.

5. No order as to costs.