

(2003) 08 SC CK 0111

In the Supreme Court Of India

Case No : Civil Appeal No. 6289 of 2003

Union of India (UOI) and Another

APPELLANT

Vs

B.M. Raval and Others

RESPONDENT

Date of Decision : 08-08-2003

Acts Referred:

Citation : (2003) 4 PLJR 118

Hon'ble Judges : Doraiswamy Raju, J;Arijit Pasayat, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Leave granted.

2. This appeal has been filed by special leave against the decision of the Division Bench of the High Court of Gujarat at Ahmedabad dated 20.12.2000 in Special Civil Application No. 706 of 2000 whereunder the Division Bench of the High Court has chosen to dismiss the writ petition summarily stating that the decision of the Tribunal does not require any interference inasmuch as the Tribunal has disposed of the application on well-settled principles.

3. When the matter came up for admission on 22.11.2002 at the SLP stage, while issuing notice it has also been indicated to the Respondents to show cause as to why the order of the High Court should not be set aside and the matter remitted to the High Court for disposal afresh on merits. The Respondents have entered appearance and have filed counter affidavit also.

4. Heard the learned Counsel appearing on either side. It was reiterated for the Appellants that as proposed the order under challenge requires to be set aside for total non-application of mind, and remitted for consideration fresh on merits, objectively.

5. Mr. Haresh A. Raichura, learned Counsel appearing for the Respondents seriously objected to the same contending that the matters are covered by the

earlier decisions of Court and, therefore, no exception could be taken to the order of the High Court. In our view, even if that be, it has to be dealt with properly and appropriately taking note of the objections, if any, of the other side with reference to the applicability or otherwise of such judgment and then dispose of the matter. It is not clear from the order under challenge as to which are the decisions or principles the Court had in mind. The High Court should not have disposed of the matter so summarily. On this only ground the order of the High Courts is set aside, as proposed and the matter is remitted to the High Court. The High Court shall restore the proceedings to its original file and after hearing both sides will dispose of the matter afresh on merits. The parties are at liberty to raise all such contentions as are permissible for them in accordance with law. The appeal is accordingly finally disposed of. No costs.