

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).13424/2006

(From the judgement and order dated 09/05/2006 in SA No. 138/1995 of The HIGH COURT OF M.P AT JABALPUR)

KRISHNA CHAND Petitioner(s)

VERSUS

ASHOK KUMAR & ORS Respondent(s)

(With prayer for interim relief and office report )

Date: 11/05/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Akshat Shrivastava,Adv.  
Mr. P.P. Singh,Adv.  
Mr. Inderjeet Yadav,Adv.

For Respondent(s)  
Mr. M.P. Jha,Adv.  
Mr. R.E.Roy,Adv.  
Mr. H.Jha,Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

The appeal is disposed of.

[SUMAN WADHWA]  
COURT MASTER

[PUSHAP LATA BHARDWAJ]  
COURT MASTER

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3579 OF 2009  
(Arising out of SLP(C) No. 13424/2006)

Krishna Chand ...Appellant(s)

Versus

Ashok Kumar & Ors. ...Respondent(s)

ORDER

Leave granted.

We have heard learned counsel for the parties. The short grievance of the appellant before us is that High Court committed a manifest error in remanding the matter back to the Ist Appellate Court so as to enable it to take into consideration Ex.P.30 which is a statement filed by the father of the defendants on the premise that the same had not

been considered by the Ist Appellate Court; although the Ist Appellate Court as well as the trial Court had taken note thereof. We are, therefore, of the opinion that the impugned judgment cannot be sustained and is set aside accordingly. Second Appeal filed by the respondent is remitted to the High Court to be considered on its own merits.

The High Court may consider the desirability of disposing of the matter as expeditiously as possible.

The Civil Appeal is disposed of accordingly.

.....J.  
(S.B. SINHA)

.....J.  
(ASOK KUMAR GANGULY)

New Delhi,  
May 11, 2009.