

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 301/2021
(arising out of SLP© No. 13673/2019)

SUNITA AGRAWAL Petitioner(s)

VERSUS

BHANWARLAL & ANR Respondent(s)

O R D E R

Since counsel for the respondent No. 2 has entered appearance I.A. for substituted service has become infructuous and is disposed of as such.

Leave granted.

We had issued notice on the short ground that the impugned order did not reflect any reasons.

We are conscious of the fact that the order has been passed by the High Court in exercise of jurisdiction under Article 227 of the Constitution of India assailing the order of the Board of Revenue, Gwalior. No doubt, the reasons for the Board of Revenue to take its view are reflected in that order. However, only in the operative paragraphs, the High Court itself records that the parties advanced contentions at length. There is no reflection of these so called submissions which are stated to have been advanced at length. It is not necessary, in our view, in the matter like this to record elaborate reasons but since these matters are carried forward to this Court, the reasons, albeit brief, have to be recorded to facilitate this Court to understand what weighed with the

learned Judge while dismissing the petition. The approach of Article 136 of the Constitution cannot be adopted while deciding petitions by the High Court under Article 227 of the Constitution of India!

We are thus constrained to set aside the impugned order and remit the matter back for reconsideration so that the order to be passed one way or the other records reasons for the same, albeit even if they are brief.

In view of what has transpired in the impugned order, it would be in the fitness of things that the matter is placed before another learned Judge.

The appeal is allowed in the aforesaid terms leaving the parties to bear their own costs.

.....J.
(SANJAY KISHAN KAUL)

.....J.
(HRISHIKESH ROY)

NEW DELHI;
FEBRUARY 01, 2021.

ITEM NO.31 Court 9 (Video Conferencing) SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 13673/2019

(Arising out of impugned final judgment and order dated 27-02-2019 in MP No. 1022/2019 passed by the High Court Of M.p At Indore)

SUNITA AGRAWAL Petitioner(s)

VERSUS

BHANWARLAL & ANR. Respondent(s)

(IA No. 46044/2020 - SUBSTITUTED SERVICE)

Date : 01-02-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Harshit Tolia, Adv.
Mr. Rahul Khandelwal, Adv.
Mr. Ashok Anand, AOR

For Respondent(s) Mr. Sumeer Sodhi, AOR
Mr. Varun Tankha, Adv.
Mr. Arzoo Aneja, Adv.

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

Since counsel for the respondent No. 2 has entered appearance I.A. for substituted service has become infructuous and is disposed of as such.

Leave granted.

The appeal is allowed in terms of the signed order leaving the parties to bear their own costs.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[ANITA RANI AHUJA]
ASSISTANT REGISTRAR

[Signed order is placed on the file]