

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9720 OF 2016
Arising out of SLP (C) No.28378 of 2016
(Arising out of CC No. 2248 of 2016)

JUGAL KISHORE MISHRA

APPELLANT

VERSUS

B.P. SINGH AND ORS.

RESPONDENTS

J U D G M E N T

KURIAN, J.

1. Leave granted.

2 In the nature of the order we propose to pass, it is not necessary to issue notice to the other respondents, since in our view, no injustice is caused to them.

3 The appellant is aggrieved since his application initiating contempt proceedings against the respondents has been dismissed mainly on the ground that the appellant was not present and there was no representation on behalf of the appellant. The High Court on perusal of the records held that the appellant was not entitled to get any financial benefit. According to the appellant, had he been given an opportunity before the High Court, he could have convinced the High Court that he is entitled to get financial benefits.

4 Be that as it may, having regard to the advanced age of the appellant and having regard to the submission made before this Court regarding his absence before the High Court on the date the case was decided, we are of the view that the interest of justice would be served, if one more opportunity is granted to the appellant to make his submission on merits before the High court so that the High court can decide the matter on merits having regard to the submissions made by the appellant.

5 In that view, we set aside the order dated 19.01.2015 passed by the High Court and remit the matter to the High Court.

6 The appellant shall appear before the High court on 8th November, 2016 and make his submissions in the matter on merits. The appellant shall supply a copy of this judgment to the respondents.

7 The appeal is disposed of with no costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
SEPTEMBER 26, 2016