



2024 INSC 917

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).

@ SLP(C) No.12996/2022

SHIVAJI

APPELLANT(S)

VERSUS

PARWATIBAI & ORS.

RESPONDENT(S)

J U D G M E N T

B.R. GAVAI, J.

1. Leave granted.
2. This appeal deserves to be allowed on the short ground that the second appeal, wherein the present appellant was Respondent No.2, was decided even without giving notice to the appellant herein.
3. Shri Atul Babasaheb Dakh, learned counsel further submits that even the questions of law which were framed by the learned Trial Judge were framed during the dictation of the order and the appellant herein did not have an opportunity of being heard.
4. Such a practice by the High Court is deprecated by a recent judgment rendered by this Court in the case of Suresh Lataruji Ramteke v. Sau. Sumanbai Pandurang Petkar and Others, reported in 2023 SCC OnLine SC 1210.

5. The impugned order is, therefore, set aside and the matter is remitted back to the High Court for deciding it afresh in accordance with law.

6. Since the appeal arises out of a suit filed in the year 2009, we request the High Court to decide the appeal expeditiously, preferably within a period of one year from today.

7. The appeal is, accordingly, allowed.

8. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(K.V. VISWANATHAN)

NEW DELHI;
NOVEMBER 26, 2024

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

Petition(s) for Special Leave to Appeal (C) No(s). 12996/2022

[Arising out of impugned final judgment and order dated 07-04-2022 in SA No. 515/2021 passed by the High Court of Judicature at Bombay at Aurangabad]

SHIVAJI

Petitioner(s)

VERSUS

PARWATIBAI & ORS.

Respondent(s)

(IA No. 103195/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 103197/2022 - EXEMPTION FROM FILING O.T.)

Date : 26-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Atul Babasaheb Dakh, AOR
Mr. Diganta Gogoi, Adv.
Mr. Bitu Kumar Singh, Adv.
Mr. Praveen Kumar Pandey, Adv.

For Respondent(s) Mr. Sudhanshu Chaudhari, Sr. Adv.
Mr. T. R. B. Sivakumar, AOR
Mr. Shreyas Gacche, Adv.

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

1. Leave granted.
2. The appeal is allowed, in terms of the signed judgment.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANU BHALLA)
COURT MASTER

(Signed "Non-Reportable" judgment is placed on the file)