

STATE OF PUNJAB AND ORS.

A

v.

OM PRAKASH AND ORS.

NOVEMBER 30, 1995

[K. RAMASWAMY AND S.B. MAJMUDAR, JJ.]

B

Appeal—Matter remitted to High Court—Direction for disposal in accordance with law.

This appeal has been filed by the State of Punjab against the decision of Punjab and Haryana High Court. It involves the same question as arose in the case of *State of Punjab & Ors. v. Vinod Kumar & Ors.*, Civil Appeal No. 1879 of 1993 decided by Supreme Court of India on 10.5.1994.

C

Allowing the appeal, this Court

HELD : In view of the order passed in *Vinod Kumar's* case this matter is remitted to High Court for fresh decision in accordance with law. [837-G]

D

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 11581 of 1995.

From the Judgment and Order dated 26.8.92 of the Punjab & Haryana High Court in R.A.No. 164 of 1992.

E

Ajay Jain for G.K. Bansal for the Appellants.

The following Order of the Court was delivered :

F

Leave granted.

This Court in C.A. No. 1879/93 and batch title *The State of Punjab & Ors. v. M/s. Vinod Kumar & Ors.* by order dated May 10, 1994 allowed the appeals and remitted the matter for fresh consideration by the High Court. This Court also made it clear that it had not expressed any opinion on merits. The High Court was free to dispose of the matters in accordance with law. The same question arises in this case. Under these circumstances, the appeal is allowed and the matter is remitted to the High Court for fresh decision in the light of the above order. No costs.

G

T.N.A.

Appeal allowed, H