

STATE OF RAJASTHAN

A

v.

SEVA RAM AND ORS.

FEBRUARY 2, 1996

[K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

B

*Constitution of India, 1950 :*

*Art. 136—Grant of special leave—Matters covered by an earlier decision, remitting the matter to High Court—Accordingly in the present matter also, order of High Court set aside and matter remitted to High Court for disposal along with pending appeals—If these appeals are already disposed of, the ratio therein would govern the present case.*

C

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3427 of 1996.

D

From the Judgment and Order dated 12.1.94 of the Rajasthan High Court in D.B.C.S.A No. 568 of 1992.

Aruneshwar Gupta for the Appellants.

E

A.P. Medh, Pallav Shishodia for the Respondents.

The following Order of the Court was delivered :

Mr. Medh, Advocate appears for respondent No. 1. Respondent Nos. 2 and 3, though served, are not appearing either in person or through counsel.

F

Leave granted.

The controversy raised is covered by the order of this Court in C.A. 3204/95 and batch dated 28.2.1995 wherein delay was condoned and matters were remitted to the High Court for disposal along with the pending appeals for decision on merits. Accordingly, we set aside the order of the High Court and remit this matter to the High Court for disposal along with the pending appeals, if not already disposed of.

G

H

A. If they are disposed of, the ratio therein may govern the controversy in this appeal.

Appeal is disposed of in above terms. No costs.

G.N.

Appeal disposed of.