

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8537 OF 2011

(Arising out of SLP(C) No.4437/2011)

HANUMANT SINGH

Appellant(s)

:VERSUS:

KIRAN KUMARI & ORS.

Respondent(s)

O R D E R

1. Leave granted.
2. This appeal emanates from the order dated 3rd December, 2010 passed by the learned Single Judge of the Rajasthan High Court in Civil Miscellaneous Appeal No.2230 of 2010 thereby allowing the appeal filed by the respondents herein.
3. Mr. Keshote, learned senior counsel appearing on behalf of the appellant has taken the threshold objection that the appeal was allowed by the High Court without even issuing notice to the respondents in the appeal.
4. Ms. Shobha, learned counsel appearing for Mrs. Kiran Kumari and other respondents fairly submitted that the impugned order was passed without issuing notice to the respondents in the appeal. We

are amazed as to how the appeal was allowed without issuing notice to the respondents. Consequently, we are constrained to set aside the impugned order dated 3rd December, 2010 passed by the learned Single Judge and remit the matter to the High Court.

5. The learned Single Judge is directed to decide the appeal de novo after hearing both the parties. Since the impugned order has been set aside by us, the First Appellate Court would not proceed in the matter in pursuance to the directions passed by the learned Single Judge.

6. To avoid any delay in the matter, we direct the parties to appear before the learned Single Judge of the Rajasthan High Court on 14th November, 2011.

7. This appeal is accordingly disposed of.

.....J
(DALVEER BHANDARI)

.....J
(DEEPAK VERMA)

New Delhi;
October 10, 2011.