

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.5548 OF 2009
(Arising out of SLP(C)No.21226 of 2008)**

RAJASTHAN STATE ROAD TRAN.CORP.& ORS.APPELLANT(S)

VERSUS

MOHAMMED MOMIN

....RESPONDENT(S)

O R D E R

Leave granted.

No one appears on behalf of the appellant.

Having heard learned counsel for the respondent and after going through the impugned order, we are of the view that the High Court without deciding the case on merits in which one of the question was whether the Civil Court has got jurisdiction to entertain and try the suit or not has dismissed the appeal summarily without passing a reasoned order and without applying its mind. That being the position, we set aside the impugned order and the matter is remitted back to the High Court for fresh decision in accordance with law. The High Court is requested to dispose of the appeal within three months from the date of supply of a copy of this Order to it.

The appeal is allowed to the extent indicated above. There will be no order as to costs.

**.....J.
(TARUN CHATTERJEE)**

**.....J.
(R.M.LODHA)**

**NEW DELHI;
AUGUST 17, 2009.**