

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2825 OF 2009
[Arising out of SLP(C) No. 5438/2007]

MARY D'SOUZA

... APPELLANT(S)

:VERSUS:

DANNIS D'SOUZA AND ORS.

... RESPONDENT(S)

ORDER

Leave granted.

Heard the learned counsel for the parties.

This appeal arises out of the judgment and order dated 8.8.2006 passed by the the Karnataka High Court in R.F.A. No.144/2004.

Mr. Bhat, learned counsel for the appellant, at the outset, pointed out that though the High Court was dealing with the matter in first appeal, it had set aside the order of the Trial Court without giving any reasons, whatsoever, and has not even casually discussed the evidence in arriving at its conclusions.

We have gone through the order passed by the High Court very carefully and find that the assertion made by the learned counsel appears to be correct. The reference to the Will and the other evidence being extremely sketchy and more particularly, keeping in view the fact that the judgment of the Trial Court has been reversed, we set aside the impugned judgment dated 8.8.2006 passed by the High Court and remit the matter to the High Court for consideration thereof afresh. The appeal is disposed of accordingly. There shall, however, be no order as to costs.

In view of the fact that the matter is pending since long, we request the High Court to dispose of the matter as expeditiously as possible.

.....J
(HARJIT SINGH BEDI)

.....J
(Dr. MUKUNDAKAM SHARMA)

NEW DELHI,
APRIL 17, 2009.

JUDGMENT