

SUPREME COURT OF INDIA

Karnataka State Road Transport Corporation

Vs.

Asmathunnisa (Smt)

(2001) 10 SCC 0756

(S.B. Majmudar and Y.K. Sabharwal JJ.)

13.04.2000

ORDER

1. Leave granted.

2. A limited notice was issued on 3.2.1997 to the Respondents as under:

Issue notice for final disposal on the application for condonation of delay and on Special Leave Petition to show cause why the matter be not remanded to the High Court for a fresh decision of the appeal on merits.

3. Though the Respondents are served yet no one has appeared to contest the proceedings. The appeal is therefore, being finally disposed of.

4. Learned Counsel for the Appellant vehemently contended that he had many arguable points to be urged in the First Appeal before the High Court which has dismissed the same without giving any reason and without considering all the points in the appeal. The impugned order of the High Court reads as under:

Heard. No grounds. Rejected.

5. Learned Counsel for the Appellant is right when he contends that the High Court in First Appeal has not considered all the relevant points and has not come to a reasoned conclusion for agreeing with the trial court. We find that the appeal was not disposed of in accordance with law. Only on this short ground, without expressing any opinion on the merits of controversy between the parties, the appeal is allowed. The impugned order is set aside. First Appeal No.813 of 1995 is restored to the file of the High Court with a request to redetermine the same on merits after hearing the parties and by writing a reasoned order.