

SUPREME COURT OF INDIA

Jayanmti De

Vs.

Kanta Barat

C.A.No.3379 of 2000

(K.T.Thomas and R.P.Sethi,JJ.,)

11.05.2000

ORDER

1. Leave granted. The appeal has been dismissed by the High Court with the following order:

“This appeal is dismissed under Order 41 Rule 11 of the Code of Civil Procedure.

There will be no order as to costs.”

2. We are not satisfied that High Court has considered the appeal on merits. Even if the dismissal is under Order 41 Rule 11 and the High Court is not required under sub-rule(4) to record in brief its grounds for doing so it is not a carte blanche to enable the appellate court to avoid recording any reason whatsoever. We think that the appeal required consideration on merits.

3. We, therefore, set aside the impugned order and remit the appeal to the High Court for disposal of the same on merits and in accordance with law bt stating the reasons. The position which remained as on the date of the impugned order will continue till the disposal of the appeal.

4.The appeal is disposed of accordingly.