

SUPREME COURT OF INDIA

Amanullah

Vs.

Nasreen Farhat

S.L.P. (C) No. 8345-8346 of 2004

(S. N. Variava and H. K. Sema JJ.)

16.11.2004

ORDER

1. Leave granted.
2. Heard parties.
3. The Respondent (herein) filed a suit for recovery of certain amounts from the Appellant (herein). After the evidence was recorded and at the stage of argument, the Appellant moved an application for amendment. Some of the amendments were permitted and some other proposed amendments were refused. Against the portion of the Order refusing amendments, Revisions were filed before the High Court. The High Court has disposed of both the Revisions by the impugned Judgment. The High Court has in effect granted a decree in a sum of Rs. 40, 000/- and then consigned the suit to the records.
4. In our view all that the High Court could have considered is whether the proposed amendments were to be allowed or not. The High Court could not have proceeded to pass a decree.
5. We, accordingly, set aside the impugned Judgment and remit Civil Revision Nos. 449 of 2002 and 733 of 2002 back to the High Court. The High Court shall dispose of the Civil Revisions on their merits, preferably within six months from today.
6. As the impugned Order is set aside, the suit is also restored to the file of the trial Court.
7. The Appeals stand disposed of accordingly.
8. There shall be no order as to costs.