

SUPREME COURT OF INDIA

Chandrakant Bhagchand Sanghavi & Ors.

Vs.

Gujarathi Jain Visa Oswal S.M.P.M.S.Dharmarth Trust & Ors.

C.A.No.6761 of 2001

(Tarun Chatterjee and Harjit Singh Bedi, JJ.)

14.02.2008

ORDER

[With C.A.No.6762 of 2001]

1. In spite of service of notice in Civil Appeal Nos.6761 and 6762 of 2001, none appears on behalf of the respondents. So far as C.A.No.6762 of 2001 is concerned, this appeal has been preferred against the judgment and order passed by a Division Bench of the High Court of Bombay holding that in view of the decision of this Court in the case of *Ramchandra Goverdhan Pandit vs. Charity Commissioner of State of Gujarat*¹, the Letters Patent Appeal filed against the order of the learned Single Judge was not maintainable in law. In our view, Civil Appeal No.6762/2001 has now become infructuous, in view of the fact that the said appeal was filed against the original order of the learned Single Judge in respect of which Civil Appeal No.6761 of 2001 has been filed. Accordingly, this appeal being Civil Appeal No. 6762/2001 having become infructuous is disposed of accordingly. So far as C.A.6761 of 2001 is concerned, we find that the learned Single Judge while dismissing the appeal had not passed any reasoned and speaking order after applying his mind and after considering the available records. In this view of the matter, we set aside the impugned order and the matter is remitted back to the learned Single Judge for reconsideration of the case after giving hearing to the parties and dispose of the same after applying his mind, after passing a reasoned order in accordance with law. The impugned order is, therefore, set aside and the appeal is allowed to the extent indicated above.

2. There will be no order as to costs.

Judgment Referred.

¹AIR 1987 SC 1598