

SUPREME COURT OF INDIA

Bissa

Vs.

Board of Revenue for Rajasthan

C.A.No.4622 of 2002

(Tarun Chatterjee and Aftab Alam JJ.)

01.10.2008

ORDER

1. This is an appeal against the Judgment and final order dated 12th of July, 2001 passed by the High Court of Judicature of Rajasthan at Jaipur Bench, Jaipur, whereby the Division Bench of the High Court had dismissed the appeal filed by the appellants and confirmed the Judgment and order dated 24th of April, 2001 passed by a learned Single Judge of the High Court in S.B. Civil Writ Petition No. 2328 of 1994 filed by the appellants.

2. It appears that a compromise decree was sought to be set aside at the instance of one Mst. Bisso, who was totally a stranger in the said compromise decree. Before us, the learned counsel for the appellants challenged the order of the Division Bench of the High Court as well as of the learned Single Judge on two-fold grounds. First, Mst. Bisso, being a stranger to the compromise decree, had no right to file an application for review of the Judgment passed by the Court in compromise. Secondly, the said review application was filed by Mst. Bisso after about 13 years from the date of passing the compromise decree. Without going into the details, we intend to dispose of this appeal on a very short question.

3. In the order passed by the Division Bench as well as the learned Single Judge, the aforesaid two aspects argued by the learned counsel for the appellants had not at all been considered, to which, the learned counsel for the respondent also could not satisfy us. However, without going into these questions, we set aside the order of the Division Bench of the High Court as well as of the learned Single Judge for the purpose of requesting the High Court to reconsider the application for review filed at the instance of Mst. Bisso, respondent No. 1 in accordance with law after giving hearing to the parties and after passing a reasoned order within four months from the date of supply of a copy of this order to it.

4. We make it clear that we have not gone into the merits of the submissions made by the learned counsel for the appellants which shall be decided by the High Court in accordance with law and in the light of the observations made hereinabove.

5. For the reasons aforesaid, the appeal is allowed to the extent indicated above. There will be no order as to costs.