

Sumer Singh Jat And Ors. Etc.Etc. vs State Of Rajasthan And Anr. Etc. Etc. on 16 November, 2018

Equivalent citations: AIR ONLINE 2018 SC 951, 2019 (11) SCC 453, AIR 2018 SC (SUPP) 1359, (2018) 14 SCALE 803, (2019) 1 PUN LR 210, (2019) 1 WLC(SC)CVL 182

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Bench: Indu Malhotra, Abhay Manohar Sapre

Non-Reportable

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.11047-11061 OF 2018
(Arising out of SLP(C) Nos.30287-30301 of 2018)
(D.No. 12356/2018)

Sumer Singh Jat & Ors.
Etc.Etc.

....Appellant

VERSUS

State of Rajasthan & Ors.
Etc.Etc.

....Respondent

J U D G M E N T

Abhay Manohar Sapre, J.

1. Leave granted.

2. These appeals are directed against the final judgments and orders passed by the High Court of Judicature for Rajasthan Bench at Jaipur in D.B. Special Appeal Writ Nos. 794/2017 dated 20.09.2017, 908/2017 dated 06.10.2017, 792/2017, 801/2017 & 815/2017 dated 25.10.2017, 826/2017 dated 27.10.2017, 816/2017 dated 01.11.2017, judgments and orders passed by the High Court of Judicature for Rajasthan Bench at Jodhpur in D.B. Special Appeal Writ Nos. 969/2017 dated 29.11.2017, 948/2017 dated 29.11.2017, 947/2017 dated 29.11.2017, 1069/2017 dated 06.12.2017, judgment and order passed by the High Court of Judicature for Rajasthan, Bench at Jaipur in D.B. Special Appeal Writ No. 1999/2017 dated 03.01.2018,

judgments and orders passed by the High Court of Judicature for Rajasthan Bench at Jodhpur in D.B. Special Appeal Writ Nos. 202/2018 dated 22.01.2018, 196/2018 dated 22.01.2018 and 207/2018 dated 22.01.2018 whereby the High Court dismissed the appeals filed by the appellants herein.

3. Few facts need to be mentioned infra for disposal of these appeals.

4. Appellant No. 1 and several others filed intra court appeals before the Division Bench of the High Court for Rajasthan Bench at Jaipur and Jodhpur against the order dated 09.02.2017 & other similar orders passed by Single Judge in the writ petitions.

5. By impugned judgments/orders, the Division Bench affirmed the orders of the Single Judge and dismissed the appeals filed by the appellants herein, which have given rise to filing of the present appeals by way of special leave in this Court.

6. The short question, which arises for consideration in these appeals, is whether the impugned orders are sustainable in law.

7. Heard Ms. Aishwarya Bhati, learned counsel for the appellants and Mr. Shiv Mangal Sharma, learned AAG for the respondents.

8. Having heard the learned counsel for the parties and on perusal of the record of the case, we are constrained to allow the appeal and remand the case to the Division Bench of the High Court for deciding the appeals afresh on merits.

9. The need to remand the case has been occasioned as the Division Bench has not assigned any reason for dismissal of the appeals.

10. In our opinion, in the absence of any discussion on the issues which have arisen in these cases and in the absence of any finding on the submissions urged by the parties, it is not possible to affirm the order. Indeed, none of the submissions urged by the appellants are mentioned much less dealt with either way on the merits of the case.

11. In view of the abovementioned reason, the appeals succeed and are accordingly allowed. The impugned judgments/orders are set aside. The appeals out of which these appeals arise are restored to their respective numbers before the High Court for their fresh disposal on merits in accordance with law.

12. Having formed an opinion to remand the case, we have not gone into the merits of the controversy. The High Court will, therefore, decide the

appeals afresh on merits without being influenced by any of our observations.

13. We request the High Court to dispose of the appeals as expeditiously as possible preferably within 6 months.

.....J.

[ABHAY MANOHAR SAPRE]

.....J.

[INDU MALHOTRA] New Delhi,

November 16, 2018.