

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 764 OF 2013

(Arising out of SLP(C) No.5325/2011)

SUNANDA MAHENDRA GAIKWAD

Appellant(s)

:VERSUS:

STATE OF MAHARASHTRA & ORS.

Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

A perusal of the order passed by the High Court clearly shows that it is a non-speaking order. The writ petition has been disposed of in a perfunctory manner, without considering either the factual or the legal controversy involved. In our opinion, the impugned order cannot be sustained in law. On this short ground alone, the impugned order passed by the High Court is set aside and the matter is remanded back to the High Court for consideration of the writ petition on merits.

It is brought to our notice by the learned counsel for the appellant that he did not have the opportunity to file rejoinder affidavit before the High Court. If that be so, the appellant may be permitted to file rejoinder affidavit before the High Court and thereafter the writ petition be set down for final disposal. Hearing of the writ petition also be expedited.

The appeal is disposed of with the aforementioned observations and directions.

.....J
(SURINDER SINGH NIJJAR)

.....J
(ANIL R. DAVE)

New Delhi;
January 22, 2013.