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**(2024) 11 SC CK 0057**

**Supreme Court Of India**

**Case No:** Civil Appeal No. 13248 Of 2024, Special Leave to Appeal (C) No(s). 12996 Of 2022

Shivaji

APPELLANT

Vs

Parwatibai & Ors

RESPONDENT

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**Date of Decision:** Nov. 25, 2024

**Hon'ble Judges:** B.R. Gavai, J; K.V. Viswanathan, J

**Bench:** Division Bench

**Advocate:** Atul Babasaheb Dakh, Diganta Gogoi, Bitu Kumar Singh, Praveen Kumar Pandey, Sudhanshu Chaudhari, T. R. B. Sivakumar, Shreyas Gacche

**Final Decision:** Allowed

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**Judgement**

B.R. Gavai, J

1. Leave granted.

2. This appeal deserves to be allowed on the short ground that the second appeal, wherein the present appellant was Respondent No.2, was decided even without giving notice to the appellant herein.

3. Shri Atul Babasaheb Dakh, learned counsel further submits that even the questions of law which were framed by the learned Trial Judge were framed during the dictation of the order and the appellant herein did not have an opportunity of being heard.

4. Such a practice by the High Court is deprecated by a recent judgment rendered by this Court in the case of Suresh Lataruji Ramteke v. Sau.

Sumanbai Pandurang Petkar and Others, reported in 2023 SCC OnLine SC 1210.

5. The impugned order is, therefore, set aside and the matter is remitted back to the High Court for deciding it afresh in accordance with law.

6. Since the appeal arises out of a suit filed in the year 2009, we request the High Court to decide the appeal expeditiously, preferably within a period of one year from today.
7. The appeal is, accordingly, allowed.
8. Pending application(s), if any, shall stand disposed of.