
(1995) 4 SCC 587 Supp
Supreme Court of India
Case No: Civil Appeal No. 1644 Of 1992

Ramlal		APPELLANT
	Vs	
Madan Gopal and Others		RESPONDENT

Date of Decision: April 9, 1992
Citation: (1995) 4 SCC 587 Supp
Hon'ble Judges: S. C. Agrawal, J; M. M. Punchhi, J
Bench: Division Bench
Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

1. SPECIAL leave granted.

2. The sole ground which impresses us is that the appellant did not have the advantage of pressing forth oral arguments through counsel before the

Additional District Judge, Yamuna Nagar, hearing the appeal. The District Judge proceeded to decide the case on the basis of written arguments

submitted by the parties. Oral arguments could not be advanced because there was a strike of the members of the bar who abstained from

appearing in the court. It is perhaps for this reason that the District Judge thought that it was expedient to decide the case on the basis of written

arguments. But in our view the issue involved in this case was such that the efficacy of oral arguments could not be underestimated.

3. HAVING regard to the special facts and circumstances of the case we think it proper that the view of the Additional District Judge should be

reobtained before his decision of fact becomes binding in second appeal before the High Court. For this reason we set aside the impugned

judgment and order of the High court as also that of the Additional District Judge, Yamuna Nagar and remit the case back to the Additional

District Judge for rehearing the appeal after giving opportunity to the parties" counsel to address their arguments but subject to payment of Rs.

5,000.00 as costs. The Additional District Judge shall dispose of the appeal within a period of two months from today. Counsel for the parties are

directed to appear before the Additional District Judge on 27/4/1992.