

S.B.C.W.Pet.No.552/04
Date of Order :-24.8.2004

HON'BLE MR.N.P.GUPTA,J.

Mr.K.C.Samdariya, for the petitioner.

Mr.Sachin Acharya, for the respondents.

Both the learned counsel are agreed that the writ petition may be disposed of in the manner that the application under Order 41 Rule 27 CPC filed on behalf of the petitioner be considered afresh on merits alongwith hearing of the appeal itself.

Accordingly, the writ petition is disposed of and it is directed that the learned Lower Appellate Court may consider the application under Order 41 Rule 27 CPC afresh on merits alongwith the hearing of the appeal without any manner being obsessed by the impugned order.

The learned Lower Appellate Court should expeditiously decide the appeal.

(N.P.GUPTA),J.