

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1582 OF 2017  
(@ S.L.P. (Civil) No.30461 of 2015)

GENERAL MANAGER, RAJASTHAN STATE  
ROAD TRANSPORT CORPORATION LTD. AND ANR. APPELLANT(S)

VERSUS

JHUMA DEVI @ JHIMLI AND ORS. RESPONDENT(S)

O R D E R

Leave granted.

Heard Mr.S.K. Bhattacharya, learned counsel for the appellant and Ms. Archana Pathak Dave, learned counsel for the respondent.

It is submitted by Mr.Bhattacharya that the learned Single Judge of the High Court has clearly erred by passing the judgment of remand without ascribing any reason but opined that the tribunal has passed the impugned judgment surreptitiously. The submission made by Mr.Bhattacharya is absolutely correct. The High Court should not have expressed such an expression and remanded the matter to the Tribunal. When an appeal of this nature comes before the High Court it is obligatory on the part of the High Court as an appellate court to consider the evidence and arrive at a conclusion if there is real

necessity for directions of remand and then only the High Court should pass an order of remand. Needless to say remand should not be the ordinary course in exercise of appellate jurisdiction, that is, error of jurisdiction. Under the circumstances no remand was warranted. But as we see the High Court has remanded the matter without ascribing any reason. Mr. Bhattacharya could not be more right when he criticizes the judgment on the said score.

Accordingly, we allow this appeal, set aside the judgment passed by the High Court and remand it to the High Court to decide the lis on its own merits. We have been compelled to remit the matter as no finding has been recorded by the appellate court.

The civil appeal is allowed to the extent indicated above. There shall be no order as to costs.

.....J.  
[DIPAK MISRA]

.....J.  
[R. BANUMATHI]

NEW DELHI,  
FEBRUARY 8, 2017.

ITEM NO.8

COURT NO.2

SECTION XV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 30461/2015  
(Arising out of impugned final judgment and order dated 16/04/2015  
in SBCMA No. 2239/2012 passed by the High Court of Rajasthan at  
Jaipur)

GENERAL MANAGER, RAJASTHAN STATE  
ROAD TRANSPORT CORPORATION LTD. AND ANR.

Petitioner(s)

VERSUS

JHUMA DEVI @ JHIMLI AND ORS.

Respondent(s)

Date : 08/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. S.K. Bhattacharya, Adv.

For Respondent(s)

Ms. Archana Pathak Dave, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The civil appeal is allowed in terms of the signed order.

(Ashok Raj Singh)  
Court Master

(H.S. Parasher)  
Court Master

(Signed Order is placed in the file)