

**NON-REPORTABLE**

**IN THE SUPREME COURT OF INDIA**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL Nos.3448-3449 OF 2019**  
**(Arising out of S.L.P.(C) Nos.7837-7838 of 2014)**

Kushuma Devi

....Appellant(s)

VERSUS

Sheopati Devi (D) & Ors.

....Respondent(s)

**J U D G M E N T**

**Abhay Manohar Sapre, J.**

1. Leave granted.
2. These appeals are filed against the final judgment and order dated 27.07.2012 in CMWP No.

3231 of 2002 and order dated 16.01.2013 in CMRA No.247546 of 2013 passed by the High Court of Judicature at Allahabad.

3. A few facts need mention hereinbelow for the disposal of these appeals which involve a short point.

4. The appellant filed an eviction petition against the respondents being Misc. Case No. 18/1990. By order dated 19.04.1996, the Civil Judge decreed the suit and passed the decree for eviction against the respondents. The respondents felt aggrieved and filed Rent Appeal No. 4/1996 in the Court of A.D.J., Court No.8, Fatehpur. The first Appellate Court by order dated 04.12.2001 allowed the appeal and dismissed the eviction petition filed by the appellant. The appellant felt aggrieved and filed a writ petition in the High Court at Allahabad. By impugned order dated 27.07.2012, the High Court dismissed the writ petition and affirmed the order

dated 04.12.2001 passed by the Additional District Judge, Court No.8, Fatehpur in the absence of the appellant. The appellant filed an application for recall of the order dated 27.07.2012. The High Court by order dated 16.01.2013 dismissed the said application. The appellant felt aggrieved by the said orders and has filed these appeals by way of special leave in this Court.

5. The impugned order reads as under :

**“Having gone through the impugned order, I do not find any patent illegality or irregularity therein warranting interference. Findings of fact have been recorded which have not been shown perverse or contrary to material on record. I, therefore, do not find any reason to interfere. The scope of judicial review under Article 227 is very limited and narrow as discussed in detail by this Court in Civil Misc. Writ Petition No.27433 of 1991 (Lala Ram Narain vs. Xth Additional District Judge, Moradabad & Ors.) decided on 13.07.2012. There is nothing which may justify judicial review of order impugned in this writ petition in the light of exposition of law, as discussed in the above judgment.”**

6. The short question, which arises for consideration in these appeals, is whether the

aforementioned impugned order is legally sustainable or not.

7. Having heard the learned counsel for the parties and on perusal of the record of the case, we are constrained to allow these appeals, set aside the impugned orders and remand the case to the High Court for deciding the appellant's writ petition afresh on merits in accordance with law.

8. The need to remand the case to the High Court has occasioned because from the perusal of the impugned order dated 27.07.2012 quoted above, we find that it is an unreasoned order. In other words, the High Court neither discussed the issues arising the case, nor dealt with any of the submissions urged by the parties and nor assigned any reason as to why it has dismissed the writ petition.

9. This Court has consistently laid down that every judicial or/and quasi-judicial order passed by the Court/Tribunal/Authority concerned, which

decides the *lis* between the parties, must be supported with the reasons in support of its conclusion. The parties to the *lis* and so also the appellate/revisionary Court while examining the correctness of the order are entitled to know as to on which basis, a particular conclusion is arrived at in the order. In the absence of any discussion, the reasons and the findings on the submissions urged, it is not possible to know as to what led the Court/Tribunal/Authority for reaching to such conclusion. (See - **State of Maharashtra vs. Vithal Rao Pritirao Chawan**, (1981) 4 SCC 129, **Jawahar Lal Singh vs. Naresh Singh & Ors.**, (1987) 2 SCC 222, **State of U.P. vs. Battan & Ors.**, (2001) 10 SCC 607, **Raj Kishore Jha vs. State of Bihar & Ors.**, (2003) 11 SCC 519 and **State of Orissa vs. Dhaniram Luhar**, (2004) 5 SCC 568).

10. The orders impugned in these appeals suffer from the aforesaid error, because, as would be clear from the perusal of the order, the High Court while passing the impugned order simply dismissed the writ petition without any discussion, finding and the reason.

11. We are, therefore, of the view that such order is not legally sustainable and hence deserves to be set aside.

12. In view of the foregoing discussion, the appeals succeed and are accordingly allowed. The impugned orders are set aside. The case is remanded to the High Court for deciding the writ petition afresh, out of which these appeals arise, for its disposal in accordance with law keeping in view the observations made above.

13. Since we have formed an opinion to remand the case to the High Court for its fresh disposal on merits, we have not expressed any opinion on the

merits of the case while deciding these appeals. The High Court will, therefore, decide the writ petition uninfluenced by any observations made by this Court in this order as expeditiously as possible preferably within six months.

.....J.  
[ABHAY MANOHAR SAPRE]

.....J.  
[DINESH MAHESHWARI]

New Delhi;  
April 08, 2019