

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 494 OF 2021
(Arising out of SLP (C) No. 287/2021)

SJVNL

Appellant(s)

VERSUS

M/S CCC HIM JV & ANR.

Respondent(s)

O R D E R

Leave granted.

The Division Bench, by the impugned order dated 29.12.2020, has set aside the judgment of the learned Single Judge on the short ground that since arguments were concluded on 24.12.2019 and judgment was delivered nine months later i.e. 30.09.2020, on application of Order 20 of the CPC, it must follow that the single Judge's judgment be set aside and hearing conducted afresh. A reading of our judgment in Anil Rai vs. State of Bihar, (2001) 7 SCC 318 and, para 9 in particular, makes it clear that Order 20 of the CPC does not apply to the High Court. In fact, para 10 then goes on to lay down a series of guidelines which ought to be imposed for the High Court in which, *inter alia*, it is mentioned that only after six months hiatus between reserving a judgment and delivering it, either party can move an application to the Chief Justice of the High Court, who may then decide that the matter be heard afresh. No such application has been presented in the present case. As a matter of fact, an MA was presented

by one of the parties after judgment was reserved to modify the status *quo* order, and an MA was moved by the other party so as to pass no orders as judgment is reserved.

This being the case, the Division Bench order is set aside. The Division Bench to take up the hearing of the appeal afresh and decide the same on merits.

The appeal is allowed in the aforesaid terms.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(B.R. GAVAI)

New Delhi;
February 12, 2021.

