

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 (Civil) No(s).1103-1104/2009

(From the judgement and order dated 22/07/2008 in WP No.7285/2001 and order dated 26/08/2008 in RA No.982/2008 of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

BHARAT HEAVY ELECTRICALS LTD.

Petitioner(s)

VERSUS

DALMEER SINGH & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 29/07/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)

Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. S.C. Ghosh, Adv.
Mr. Vinay Garg, Adv.

For Respondent(s)

Dr. Kailash Chand, Adv. (NP)

Mr. Shrish Kumar Misra , Adv

Ms. Tanu Sri Aggarwal, Adv.
Mr. Mukesh Verma, Adv.
Mr. Ravi Prakash Mehrotra , Adv

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The appeals stand allowed in terms of the signed order.

[Usha Bhardwaj]

A.R-cum-P.S.

[Indu Satija]

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CIVIL APPEAL Nos.6165-6166 OF 2013

(Arising out of SLP (C) Nos.1103-1104 of 2009

BHARAT HEAVY ELECTRICALS LTD .. PETITIONER(S)

VERSUS

DALMEER SINGH & ORS.

... RESPONDENT(S)

O R D E R

Leave granted.

The appellant is aggrieved by the order of the High Court whereby it has declined to restore the writ petition which was dismissed for default.

The writ petition filed by the appellant before the High Court was dismissed for default on 22nd July, 2008. The appellant filed an application for restoration on 21st August, 2008, inter alia, stating that the counsel for the appellant inadvertently did not mark the list and consequently did not appear when the case was called out.

Despite service of notice respondent Nos. 1 and 3 have not chosen to appear. Respondent No.2 is represented by its learned counsel.

In the facts and circumstances of the case, we are of the opinion that the High Court has erred in declining to restore the writ petition. Accordingly, we set aside the order of the High Court and restore the writ petition.

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It is made clear that we have not expressed any opinion with regard to the merits of the case.

The appeals stand allowed accordingly.

.....J.
(CHANDRAMAULI KR. PRASAD)

.....J.
(KURIAN JOSEPH)

New Delhi;
July 29, 2013