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SLP(C)No. 5217 OF 2002
ITEM No.19

Court No. 4

SECTION XV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.5217/2002

(From the judgement and order dated 21/09/2001 in MA 48/01
of The HIGH COURT OF JHARKHAND AT RANCHI)

TARA CHAND SACHDEVA

Petitioner (s)

VERSUS

ROHINI KUMARI & ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 16/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s) Mr. Sanjay Sen, Adv.

Mr. R.H. Biswas, Adv.

Mr. Rana S. Biswas, Adv.

Ms. Indra Sawhney, Adv.

For Respondent (s) Mr. Anupam Lal Das, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(N. Annapurna)
Court Master

(V.P. Tyagi)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.313 OF 2004

(Arising out of S.L.P.(C) No.5217 of 2002)

Tara Chand Sachdeva
...Appellant

Versus

Rohini Kumari & Ors.

...Respondents

O R D E R

Leave granted.

The incident, in respect of which a claim petition was filed under the Workmen Compensation Act on 21st June, 1993, had taken place on 7th February, 1985. Admittedly, there was an enormous delay of about six years in filing the same. Condoning the delay, the award dated 4th March, 1998 has been passed against the appellant. The statutory appeal filed by the appellant has been dismissed by the High Court, in terms of the impugned order dated 21st September, 2001, in limine observing that no substantial question of law was involved in the appeal.

Our attention has been drawn by learned counsel for the appellant to the order dated 7th February, 1992 passed by the Court of Judicial Magistrate, First Class, Hazaribagh, acquitting respondents 3 and 4 herein of charge under Section 304A I.P.C. The contention urged on that basis is that the respondents all through were aware of the entire matter. We

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express no opinion on the merits, one way or the other, lest it may prejudice the parties except observing that, having regard to the facts and circumstances of the case, the statutory appeal required a deeper consideration by the High Court instead of its dismissal in limine.

In this view, we set aside the impugned order and remit M.A.No.48 of 2001 to the file of the High Court for its fresh decision in accordance with law, after affording an opportunity to the parties to make their submissions. The High Court is requested to decide the appeal expeditiously.

Pending the appeal in the High Court, fifty per cent of the amount stated to have been deposited by the appellant before the High Court shall be paid to the legal representatives of the deceased workman.

The appeal is disposed of accordingly.

There shall be no order as to costs.

(Y.K. SABHARWAL)

.....J.

.....J.

(DR. AR. LAKSHMANAN)

New Delhi,

January 16, 2004.