

SLP(C)No. 5384-5385 OF 2003  
ITEM No.46

Court No. 3

SECTION IVA  
A/N MATTER

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.5384-5385/2003

(From the judgement and order dated 03/07/2000 in WA 8147/99  
and dated 16/06/2002 in CR 2423/01 of The HIGH COURT OF KARNATAKA  
AT BANGALORE)

NARAYANASWAMY

Petitioner (s)

VERSUS

STATE OF KARNATAKA & ANR.

Respondent (s)

( With Appln(s). for c/delay in filing SLP )

Date : 27/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)

Mr. P.R. Ramasesha, Adv.

For Respondent (s)Mr. S.K. Kulkarni, Adv.

Mr. Ankur S. Kulkarni, Adv.

Mr. M. Gireesh Kumar, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. Sanjay R. Hegde, Adv.

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

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

KALYANI

(RADHA R. BHATIA)  
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2004  
(ARISING OUT OF SLP (C) NO. 5384-5385 OF 2003)

NARAYANASWAMY

.....

APPELLANT (S)

VERSUS

STATE OF KARNATAKA & ANR.

.....

RESPONDENT (S)

O R D E R

Leave granted.

After hearing the learned counsel for the parties, we are of the opinion that in the facts and circumstances of this case, especially keeping in view the decision in connected matters, the Division Bench ought to have taken a liberal view of the appellant's prayer for restoring the appeal for hearing on merits.

Accordingly, the appeals are allowed. The delay in making the application for restoration before the High Court is condoned. The prayer for restoration is allowed. Writ Appeal Nos. 8147 /99 shall stand restored on the file of the High Court and be heard and decided on merits after noticing both the parties.

No order as to costs.

.....J  
(R.C. LAHOTI)

.....J  
(B.N. AGRAWAL)

NEW DELHI;  
JANUARY 27, 2004.