

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(s).3796/2003

(From the judgement and order dated 11/04/2002 in CMP No. 3859/2002 in SASR No. 21271/2002 of The HIGH COURT OF MADRAS)

SARADHA

Petitioner(s)

VERSUS

R.K. SRINIVASAN & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 04/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Vipin Nair, Adv.

Mr. V.K. Biju, Adv.

Mr. P.B. Suresh, Adv.

for M/s. Temple Law Firm,Advs.

For Respondent(s)

Mr. A. Mariarputham, Adv.

Ms. Aruna Mathur, Adv.

for M/s. Arputham,Aruna & Co.,Advs.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Leave granted.

The appeal is allowed. No costs.

[ Alka Dudeja ]

[ Om Pra

kash ]

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2370 OF 2005

(Arising out of S.L.P. [Civil] No.3796 of 2003)

Saradha  
lant (s)

...Appel

Versus

R.K. Srinivasan and Ors.  
ndent(s)

...Respo

O R D E R

Heard learned counsel for the parties.

Leave granted.

By the impugned order, the High Court refused to condone the delay in filing the second appeal and dismissed the same as barred by limitation. In our view, in the facts and circumstances of the case, the delay in filing the second appeal should have been condoned.

Accordingly, the appeal is allowed, the impugned order is set aside and the delay in filing the second appeal before the High Court is condoned. Now the High Court shall deal with the second appeal in accordance with law.

No costs.

.....J.

(B.N. Agrawal)

.....J.

(P.K. Balasubramanyan)

New Delhi,

April 04, 2005.