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SLP(C)No. 3396 OF 2001

ITEM No.23

Court No. 5

SECTION XVI
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.3396/2001

(From the judgement and order dated 29/11/2000 in CAN 7948/2000
@ MAT 2369/2000 of The HIGH COURT OF CALCUTTA)

KALPANA DAS (GHOSAL)

Petitioner (s)

VERSUS

DISTRICT INSPECTOR OF SCHOOLS & ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 06/05/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. G.S. Chatterjee,Adv.
Mr. Raja Chatterjee,Adv.
Mr. Sachin Das,Adv.

For Respondent (s) Mr. Ajay Sharma,Adv.
Mr. Tara Chandra Sharma,Adv.
Ms. Neelam Sharma,Adv.

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

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Heard learned counsel for the parties for a while.

Leave is granted.

The civil appeal is allowed.

No costs.

(T.I. Rajput)
Court Master

(Kanwal Singh)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 3367 of 2002@@
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(Arising out of S.L.P. (C) No. 3396 of 2001)

Kalpana Das (Ghosal) ...Appellant (s)

Versus~

District Inspector of Schools & Ors.Respondent (s)

O R D E R@@
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Heard learned counsel for the parties.
Leave is granted.

This appeal is directed against the order of the Division Bench of the High Court in C.A.N. No. 7948 of 2000 arising out of M.A.T. No.2369 of 2000 dated 29th November, 2000 declining to condone the delay of thirty four days in filing the appeal.

Limited notice was issued on 12th March, 2001 as to why the delay of thirty four days in filing the appeal should not be condoned and the case be remitted to the High Court for fresh disposal in accordance with law.

Having perused the application filed before the High Court seeking condonation of delay of thirty four days, we find that the ground urged before the High Court was that the ..2/-

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husband of the appellant was ill and, therefore, she was unable to go to Calcutta from the remote village to instruct her counsel for filing the appeal.

In our view, the above ground is a sufficient cause to justify the said condonation of delay and we do so.

Accordingly, the civil appeal is allowed. The order under challenge is set aside. The matter (C.A.N. No. 7948 of 2000 arising out of M.A.T. No. 2369 of 2000) is restored to the file of the High Court. The High Court shall now proceed to dispose of the matter in accordance with law.

No costs.

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(Syed Shah Mohammed Quadri)@@
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(S.N. Variava)@@
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New Delhi,
May 06, 2002.