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SLP(C)No. 4087-4088 OF 2001

ITEM No.205

Court No. 5

SECTION XIA
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.4087-4088/2001

(From the judgement and order dated 21/08/2000 in CMP 501/98 in MFA 113/98 & MFA 113/98 of The HIGH COURT OF KERALA AT ERNAKULAM)

B. NAGALAKSHMI

Petitioner (s)

VERSUS

R. KANNAN

Respondent (s)

(With prayer for interim relief)
(With office report)
(For Final Disposal)

Date : 23/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. A. Raghunath,Adv.

For Respondent (s) Mr. S Balakrishnan, Sr.Adv.
Ms. Astha Tyagi, Adv.
Mr. Abhay Kumar, Adv.
Mr. SN Jha, Adv.
Mr. Subramonium Prasad.,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J
Leave granted.

The appeals are allowed. There shall be no order as
to costs.

.SP1

(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7991-92 OF 2001@@
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(Arising out of S.L.P.(C) Nos. 4087-4088 of 2001)

B. NAGALAKSHMI

Appellant (s)

VERSUS

R. KANNAN

Respondent (s)

O R D E R@@
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Leave granted.

The appellant herein filed a Miscellaneous First Appeal before the High Court alongwith a Civil Miscellaneous Petition for condonation of 538 days delay. The High Court dismissed the Civil Miscellaneous Petition for condonation of delay. Consequently, the appeal also stood dismissed. It is against that order of the High Court, the appellant has come to this Court.

We have heard learned counsel and perused the record. We are satisfied that the appellant has made out sufficient cause for condonation of delay. In that view of the matter, we set aside the order under challenge and remand the matter to the High Court after condoning the delay with the direction to the High Court to decide the matter on merits. It will be open to the appellant to make a request to the High Court for expeditious hearing for the matter.

The appeals are allowed. There shall be no order as to costs.

.....L.....I.....T.....T..T....T.....T.....T.....J
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.....J.
(V.N. KHARE)

.....J.
(ASHOK BHAN)

NEW DELHI
NOVEMBER 23, 2001.