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SLP(C)No. 2505 OF 2000

ITEM No.38

Court No. 7

SECTION IX
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.2505/2000

(From the judgement and order dated 11/01/1999 in MCA 145/97
of The HIGH COURT OF BOMBAY AT NAGPUR)

DEVIDAS

Petitioner (s)

VERSUS

BHANSALI GRAM SEWA MANDAL & ORS

Respondent (s)

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

Date : 29/01/2001 This Petition was called on for hearing today.

CORAM :

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

For Petitioner (s)

Mr. R.S. Lambat,Adv.

For Respondent (s)

Mr. A.K. Sanghi,Adv.

M/s.Manish Pitale,SS Shinde,Advs.

Mr. S.V. Deshpande,Adv.

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

.....L....I.....T.....T.....T.....T.....T.....J....J
.SP2

Delay is condoned.

Leave is granted.

The appeal is allowed in terms of the signed order.

No costs.

.SP1

[Naresh Kumar]
Court Master

[Kanwal Singh]
Court Master

[Signed order is placed on the file.]

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.UP 10 2; Fixed-pitch, smtst; -n -ml4 -PA4 -dFX-NORMAL -Fx -e -j; dumbp

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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[Arising out of SLP(C) 2505/2000]

Devidas ... Appellant

vs.

Bhansali Gram Sewa Mandal & Ors. ... Respondents

O R D E R@@
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Delay is condoned.
Leave is granted.

The writ petition filed by the appellant was dismissed for default on 19.3.1996. But on an oral application by Mrs.Padhye, the learned counsel appearing for him, the High Court was pleased to restore the same. However, it appears that the learned counsel reported no instructions, so the learned Judge dismissed the writ petition. Having come to know of this the appellant filed MCA No.145/1997 giving all the details of the circumstances in which he relied upon his advocate and was led by the advice given by her. It is only when some third person informed the appellant about the dismissal of the case, he contacted the learned counsel but she insisted that the case was pending on the file of the High Court whereas it was dismissed on reporting no instructions. These circumstances, in our view, justify the requirements of sufficient cause to merit restoration of the writ petition to

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the file of the High Court. In this view of the matter we set aside the order of the High Court in M.C.A. No.145/1997 dated January 11, 1999 and allow the M.C.A. The writ petition No.353/1984 is restored to the file of the High Court of Bombay, Bench at Nagpur. The High Court will now dispose it of after hearing the parties in accordance with law. The appeal is accordingly allowed. No costs.

.SP1

.....J.
[SYED SHAH MOHAMMED QUADRI]

New Delhi,J.
January 29, 2001.@@
[S.N. PHUKAN]
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