

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).8602/2004

(From the judgment and order dated 05/11/2003 in WA No. 5640/2003 of The HIGH COURT OF KARNATAKA AT BANGALORE)

M.M. MAHADEV

Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

(With prayer for interim relief )

Date: 13/07/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner(s)

Mr. Balaji Srinivasan, Adv.

Mr. V Sudeer, Adv.

Mr. MBRS. Raju, Adv.

Ms. Sunita, Adv.

Mr. S Sachin, Adv.

Mr. J.B. Ravi, Adv.

Mr. Ritu Raj Jamawal, Adv.

Ms. M Sailaja, Adv.

Mr. S. Srinivasan, Adv.

For Respondent(s)

Mr. K Ramamoorthy, Sr. Adv.

Nos. 7 & 8 Mrs. N Shoba, Adv.

Mr. Sriram J Thalapathy, Adv.

Mr. N.K. Arulmuruganandhan, Adv.

Mr. G.D. Gupta, Adv.

Mr. Varinder Kumar Sharma, Adv.

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, impugned order is set aside delay in filing the appeal is condoned and the matter is remitted to the High Court to dispose of the appeal in accordance with law after giving opportunity of hearing to the parties.

[ Charanjeet Kaur ]

[ Om Prakash

Court Master

Court Maste

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2005

( arising out of SLP(C) 8602/2004 )

M.M. Mahadev

.. Appellant(s)

Versus

State of Karnataka & Ors.

.. Respondent(s)

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 of 26 days in filing the writ appeal and consequently dismissed the appeal as barred by limitation. In the

facts and circumstances of the case, we are of the view that it was a case in which the High

Court should have condoned the delay.

Accordingly, the appeal is allowed, impugned order is set aside delay in filing the

appeal is condoned and the matter is remitted to the High Court to dispose of the appeal in

accordance with law after giving opportunity of hearing to the parties.

AGRAWAL ]

.....J[ B.N.

.K. MATHUR ]

.....J [ A

NEW DELHI,

JULY 13,2005.