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SLP(C)No. 4724 OF 2001

ITEM No.207

Court No. 2

SECTION IVA  
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.4724/2001

(From the judgement and order dated 06/11/2000 in HRRP 324/2000  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MANJUNATH. M.

Petitioner (s)

VERSUS

RAJESH P. SHAH

Respondent (s)

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

Date : 03/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. P.R. Ramasesh, Adv.

For Respondent (s)

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

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Leave granted.

The respondent has been served but has not chosen to  
put in an appearance.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)  
Court Master

(Shelly Sengupta)  
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 5037 of 2001@@  
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(Arising out of S.L.P. (C) No.4724 of 2001)

Manjunath M. ...Appellant (s)

Versus~

Rajesh P. Shah ....Respondent (s)

O R D E R@@  
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Leave granted.

The notice on the special leave petition stated that the matter might be disposed of at this stage.

The respondent has been served but has not chosen to put in an appearance.

The appellant was the revision petitioner before the High Court. The revision petition had been filed after a delay of 102 days and an application to condone the delay was filed which indicated that the appellant's advocate had misplaced the papers when shifting from one chamber to another. The High Court declined to condone the delay of 102 days. It said that the appellant had been totally negligent and that, because the appellant was a landlord, he should have

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been extra cautious when his eviction petition had been rejected.

We do not think that the delay of 102 days is such that it could not have been condoned, awarding to the respondent costs for the purpose. We also do not think that the standard of care that is required of a landlord is greater than required of any other litigant. We are of the view that the delay should be condoned awarding the respondent a small sum by way of costs.

Accordingly, the civil appeal is allowed. The order under challenge is set aside. The delay in filing the revision petition is condoned awarding to the respondent thereto costs in the sum of Rupees five hundred. The revision petition (H.R.R.P. No.324 of 2000) shall stand restored to the file of the High Court to be heard and disposed of on merits.

No order as to costs.

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.....J.  
(S.P. Bharucha)@@  
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.....J.  
(Y.K. Sabharwal)@@  
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New Delhi,  
August 03, 2001.