

Æ

SLP(C)... 3375-3376 OF 2001
ITEM No.10

Court No. 5 SECTION XVI
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(C)..CC...3375-3376/2001

(From the judgement and order dated 12/04/2000 and 13.12.2000
in SA 739/94 of The HIGH COURT OF CALCUTTA)

KAILASH AGARWAL AND ORS.

Petitioner (s)

VERSUS

KANGAL CHANDER SADHUKHAN AND ORS.

Respondent (s)

With I.A. 1-2 (C/delay in filing SLP and an application for c/delay
in refiling SLP)
(With Office Report)

Date : 09/05/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. K.V. Vishwanathan, Adv.
Mr. Anil Agarwala, Adv.
Mr. K.V. Vijayakumar, Adv.

For Respondent (s)

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

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

Delay condoned.
Leave granted.
Appeals stand disposed of in terms of the signed
order.

.SP1

(Meenu Sethi) (Om Prakash)
Court Master Court Master

Signed order is placed on the file

.PA
.....L.....T.....T.....T.....T.....T.....T.....T.....J.....

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3786-3787/2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP(C).8804-8805/2001(CC 3375-3376)

Kailash Agarwal & Ors. .. Appellants

Vs.

Kangal Chander Sadhukhan & Ors.

.. Respondents

O_R_D_E_R@@
AAAAAAAAA

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

Delay condoned.
Leave granted.

Having heard learned counsel for the appellants we are satisfied that there were good reasons for the High Court to have condoned the default on the part of the learned counsel for not appearing on the date(i.e.12.4.2000) set down for hearing .

In the circumstances, we set aside the order of dismissal for non appearance of the learned counsel, restore the second appeal, withdraw that appeal to this Court and dispose it of on merits. Even after hearing learned counsel for the appellants we find absolutely no merit in the second appeal. The second appeal is, therefore, dismissed.

These appeals stand disposed of accordingly.

.SP1

.....J@@
AAAAAAAAAAAAAAAAAAAA
(S. RAJENDRA BABU)@
AAAAAAAAAAAAAAAAAAAA

.....J@@
AAAAAAAAAAAAAAAAAAAA
(K.G. BALAKRISHNAN)

New Delhi,@
AAAAAAAAA
May 9, 2001.