

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).5560/2007

(From the judgement and order dated 18/10/2006 in SA No. 1508/2006 of
The HIGH COURT OF RAJASTHAN AT JODHPUR)

GANESH SINGH Petitioner(s)

VERSUS

SUNITA NATH & ORS. Respondent(s)

(With prayer for interim relief and office report and I.A. Nos. 2-3 -
appln.(s) for permission to file addl. documents & exemption from
filing O.T.)

Date: 12/11/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Amit Bhandari, Adv.
Mr. Vikas Mehta, Adv.

For Respondent(s) Mr. H.D. Thanvi, Adv.
Ms. Preeti Thanvi, Adv.
Mr. Sarad Kumar Singhania, Adv.

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

Leave granted.

The Appeal is disposed of.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISIDICIION

CIVIL APPEAL NO. 9641 OF 2010
(arising of S.L.P. (Civil) No(s).5560 of 2007)

GANESH SINGH Appellant (s)

VERSUS

SUNITA NATH & ORS. Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

This Appeal has been filed against the impugned judgment and order of the High Court of Rajasthan dated 18.10.2006 passed in Civil Second Appeal No. 1508 of 2006 by which the application under Section 5 of the Limitation Act, 1963 has been rejected.

On the facts of the case, we are of the opinion that delay in filing the Second Appeal should have been condoned by the High Court. Hence, we condone the delay in filing the second appeal and set aside the impugned judgment and order of the High Court.

:1:

We would request the High Court to decide the second appeal on merits expeditiously.

The Appeal is disposed of accordingly. No costs.

.....J.
(MARKANDEY KATJU)

.....J.
(GYAN SUDHA MISRA)

NEW DELHI
NOVEMBER 12, 2010.

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