

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.7088/2003  
(From the judgement and order dated 22/11/2002 in CMWP 49360/02  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

KUSUM LATA JAIN Petitioner (s)

VERSUS

ABDUL ALIM Respondent (s)

(With prayer for interim relief)

Date : 21/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR  
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)

Mr. Gaurav Jain, Adv.

Ms. Abha Jain, Adv.

For Respondent (s)

Mr. Dinesh Dwivedi, Adv.

Mr. Arvind Verma, Adv.

Ms. Vibha Datta Makhija, Adv.

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

Heard learned counsel for the parties.

Leave granted.

Appeal is allowed in terms of the signed order.

Neelam(KANWAL SINGH)

Court Master

(Signed order is placed on the file )

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2003  
(Arising out of SLP(C)No.7088/2003)

KUSUM LATA JAIN .....APPELLANT (S)

VERSUS

ABDUL ALIM ..... RESPONDENT (S)

O R D E R

Leave granted.

Considering all facts and circumstances of the case, more particularly the fact that the appellant, a widow and now aged 70 years, had pursued the suit filed by her for about 22 years to get a decision. In our view it will better serve the ends of justice to condone the delay of a year in filing the first appeal before the District Judge Jhansi. For explaining ill health very good medical evidence may not be there as argued but it does appear to be a case of deliberate delay.

Appeal is allowed.  
The delay in filing the First Appeal is therefore condoned subject to payment of Rs.5,000/- a  
t cost which shall be deposited by the appellant in the Court of the District Judge, Jhansi wi  
thin a period of three weeks' from today.

(BRIJESH KUMAR )

.....J

.....J

(ARUN KUMAR)

NEW DELHI

21ST JULY, 2003