

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7118/2006

(From the judgement and order dated 28/07/2005 in DBCSA No. 1076/2005 & SBCWP No. 5828/2003 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

STATE OF RAJASTHAN & ORS.

Petitioner(s)

VERSUS

NAVEEN KUMAR KHOIWAL

Respondent(s)

Date: 03/12/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE P.P. NAOLEKAR  
HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s) Mr. Aruneshwar Gupta, Adv.  
Mr. Naveen Kumar Singh, Adv.  
Mr. Shashwat Gupta, Adv.

For Respondent(s) Mr. Ajay Choudhary, Adv.  
Mr. Ajay Bansal, Adv.  
Mr. Ashish Saxena, Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.  
The appeal is allowed.

(S. Thapar)  
PS to Registrar

(Veera Verma)  
Court Master

The signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5673 OF 2007  
(Arising out of SLP(C)No. 7118 of 2006)

STATE OF RAJASTHAN & ORS.  
(S)

APPELLANT

VERSUS

NAVEEN KUMAR KHOIWAL  
RESPONDENT (S)

ORDER

Leave granted.

Heard learned counsel for the parties.

The appeal preferred by the State of Rajasthan was rejected by the Division Bench of the High Court on the ground that there was a delay of 34 days in filing the appeal. We feel that the High Court should have considered and disposed of the matter on merits. In the result, we set aside the impugned order of the High Court and remit the matter to the Division Bench of the High Court to decide the case on merits in accordance with law.

The appeal is allowed accordingly.

.....CJI  
(K.G. BALAKRISHNAN)

.....J  
(P.P. NAOLEKAR)

New Delhi,  
December 03, 2007. (R.V. RAVEENDRAN)

.....J