

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.7760/2000
(From the final judgment and order dated 3.12.1999 of the High Court
of Punjab and Haryana at Chandigarh in Civil Revision No. 32801/999)

MUNICIPAL COMMITTEE, THANESAR
through its Executive Officer

Petitioner (s)

VERSUS

SONA RANI

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for exemption from filing O.T.)
(For Final Disposal)

Date : 10/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE D.P. MOHAPATRA

For Petitioner (s) Mr. Neeraj Kumar Jain, Adv.
Mr. Ugra Shankar Pd.,Adv.

For Respondent (s)

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

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

Leave granted.
The appeal is allowed in terms of the signed order.

.SP1

(Meenu Sethi)
Court Master

(Meena Trikha)
Court Master

Signed order is placed on the file

.PA
.....L.....I.....J
.PL55

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..6383 OF 2000@@
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(Arising out of the Special leave petition(C) No.7760 of 2000)

Municipal Committee, Thanesar ..Appellant
through its Executive Officer

Versus

Smt. Sona Rani ..Respondent

ORDER@@
CCCCC

.SP2

Leave granted.

In an appeal arising out of a suit filed for decree of permanent injunction the question of limitation was considered by the High Court and the High Court dismissed the same. A delay of about 110 days in preferring the appeal was characterised by the High Court as hopelessly barring the reliefs sought for by the appellant. We have examined the records and we find that the real reason for not preferring the appeal in time was the communication gap between the Advocate and the appellant.If that factor is true, we think there is good reason for the High Court to have condoned the delay. On that aspect of the matter what is stated is that the appellant was negligent. We do not think so. In the circumstances of the case instead of approaching the matter from a hypertechnical angle the High Court should have considered the same realistically bearing in mind that when

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institutions are involved some latitude has to be given particularly when the matter arises in a first appeal. In the circumstances, we allow this appeal and set aside the order made by the High Court and allow the application for condonation of delay . We also direct the High Court to register the same and decide the case on merits.

.SP1

.....J
(S. RAJENDRA BABU)

.....J
(D.P. MOHAPATRA)

New Delhi.
November 10, 2000.