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SLP(C)No. 9738 OF 2004
ITEM No.55

Court No. 5

SECTION XV
A/N MATTER

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.9738/2004

(From the judgement and order dated 06/11/2003 in SBCRP 560/02
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

ASSTT. ENGINEER (VIGILANCE), PHED & ORS.

Petitioner (s)

VERSUS

M/S. BHAIWA TEXTILE INDUSTRIES
(With prayer for interim relief and office report)

Respondent (s)

Date : 06/12/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Aruneshwar Gupta, AAG, State of Rajasthan
Mr. Naveen Kumar Singh, Adv.
Ms. Shivangi , Adv.

Mr. Ashok K. Mahajan,Adv.

For Respondent (s)

Mr. P.V.Yogeswaran, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The Appeal is disposed of in terms of the signed order. There will be no order as to costs.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO._____ OF 2004
[Arising out of SLP(Civil) No.9738 of 2004]

ASSTT. ENGINEER (VIGILANCE), PHED & ORS.

Appellant (s)

VERSUS

M/S. BHAIWA TEXTILE INDUSTRIES

Respondent (s)

O R D E R

Leave granted.

Heard parties.

In our view, the High Court has been too technical. The Appeal has been filed in time. Merely because the copy of the decree was not annexed was not a ground for not condoning the delay.

Accordingly, the impugned order is set aside and that of the trial court is restored. The Appeal is disposed of accordingly. There will be no order as to costs.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi;
December 06, 2004.