

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(s).3 8 7 6 / 2 0 0 7

(From the judgement and order dated 10 / 1 1 / 2 0 0 6 in CR P No. 50 8 1 / 2 0 0 6 of  
The  
HIGH COUR T OF A.P AT HYD E R A B A D)

P.S A T Y A N A R A Y A N A Petitioner(s)  
VER SUS

MA R G A D A R S H I CHIT F U N D S LT D. Respondent(s)

(With prayer for interim relief and office report )

Date: 19 / 0 1 / 2 0 0 9 This Petition was called on for hearing today.

CORAM :  
HON' B L E Dr. JUS T I C E ARI J I T PA S A Y A T  
HON' B L E MR. JUS T I C E ASO K KUMA R GANGU L Y

For Petitioner(s) Mr. G. Ra m a k r i s h n a P r a s a d,Adv.

For Respondent(s) Mr. G.V.R.Choudh a ry, Adv.  
Mr. K. Shivraj Choudhuri,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.

(Shashi Sareen) (Shashi Bala Vij)  
Court Master Court Master  
(Signed order is placed on the file)

I N T H E S U P R E M E C O U R T O F I N D I A  
C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L No. OF 20 0 8  
(Arising out of SL P (C) No. 3 8 7 6 of 2 0 0 7 )

P.S A T Y A N A R A Y A N A ... Appella  
nt(s)

Versus

MA R G A D A R S H I CHIT F U N D S LT D. ... Resp  
ondent(s)

Leave granted.

The impugned order has been passed in Civil Revision

Petition No. 5081 / 2006 by a learned Single Judge of the Andhra Pradesh High Court refusing to condone the delay of about 45 days in making an application for setting aside the ex-parte decree. The High Court observed that the delay has not been explained.

On the peculiar facts of the case, we are satisfied that the delay ought to have been condoned. That being so, the impugned order is set aside. The original Suit No. 493 / 1999 shall be restored. Since the matter is pending for about a decade, we request the trial court to dispose of the suit as early as practicable preferably within four months from the date of receipt of our order.

The appeal is disposed of. No costs.

..... J.  
(Dr. ARI J I T PA S A Y A T)

..... J.  
((ASO K KUMA R GANGU L I)

New Delhi,  
Ja nu a ry 19, 2 0 0 9 .