

f!

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3522 OF 2006

[ARISING OUT OF SLP (CIVIL) NO.9816 OF 2004]

PURAN MANDAL & ANR.

... APPELLANTS

VERSUS

STATE OF BIHAR & ORS.

... RESPONDENTS

O R D E R

Leave granted.

The Letters Patent Appeal filed by the appellants before the Patna High Court was beyond time by nearly three and a half years. The application under

Section 5 of the Limitation Act was dismissed by the Division Bench of the High Court by the order dated 28th January, 2004 which is subject matter of challenge before us.

We have heard learned counsel for the appellants and learned counsel for the respondents at considerable length.

Having regard to the fact that appellants are agriculturists and that appellant No.1 is an illiterate person and also the fact that on account of bifurcation of the erstwhile State of Bihar into Bihar and Jharkhand, we are of the opinion that the delay in filing the Letters Patent Appeal should be condoned.

The appeal is, accordingly, allowed, the order dated 28th January, 2004

passed by the Division Bench of the High Court is set aside.

The application under Section 5 of the Limitation Act filed by the appellants

in letters Patent Appeal No.63 of 2004 stands allowed subject to the appellants

depositing a sum of Rs.5,000/- in the High Court by 30th September, 2006. If the

appellants deposit the said amount, as indicated above, the Letters Patent Appeal filed

by the appellants shall be heard on merits. The cost to be deposited by the appellants

may be withdrawn by respondent No.7.

.....J.

(G.P. Mathur)

.....J.

(A.K. Mathur)

New Delhi;

August 14, 2006.

ITEM NO.43

COURT NO.8

SECTION XVI

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(s).9816/2004

(From the judgement and order dated 28/01/2004 in LPA No. 63/2004 of
The HIGH COURT OF

PATNA)

PURAN MANDAL & ANR.

Petitioner(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer for interim relief)

Date: 14/08/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner(s) Mr. Gaurav Aggarwal, Adv.

Mr. Prashant Kumar, Adv.

For Respondent(s) Mr. Awadhesh Kumar Singh, Adv.

Mr. Girdhar G. Upadhyay, Adv.

Mr. J.P. Tripathi, Adv.

Mr. R.D. Upadhyay, Adv.

Dr. Rajeev B. Masodkar, Adv.

Mr. Anil K. Jha, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(K.K. Chawla)

(Khushi R

am)

Court Master

Court Mas

ter

[Signed order is placed on the file]