

ITEM NO.25

COURT NO.6

SECTION IVA

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)...../2012  
CC 5944/2012

(From the judgement and order(s) in CFA No. 315/2002 dated 15-DEC-10  
of The HIGH COURT OF M.P AT INDORE BENCH)

STATE OF M.P.&amp; ANR

Petitioner(s)

VERSUS

NANDUBAI(D) TR.LRS.

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 09/04/2012      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. S.K. Dubey, Sr. Adv.

Mr. Yogesh Tiwari, Adv.

Mr. B.S. Banthia, Adv.(Not Present)

For Respondent(s)

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

This petition is directed against the judgment of the learned Single Judge of the Madhya Pradesh High Court, whereby he allowed the appeal filed by the respondent, set aside the judgment of the trial Court and decreed the suit filed by her against the recovery of Rs.52,147/- from the gratuity payable to her in lieu of the service rendered by her husband Bhagwanlal Solanki, who died on 25.4.1994, and the post office account maintained at Mandsaur. The petitioners have also filed an application for condonation

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of 349 days delay.

We have heard learned senior counsel for the petitioners and carefully perused the record.

In our view, the cause shown for delayed filing of the special leave petition is wholly unsatisfactory and there is no valid ground much less justification for the

exercise of power by this Court under Section 5 of the Limitation Act, 1963.

Even on merits, we are convinced that the reasons assigned by the learned Single Judge for declaring that the action taken by the concerned authority for recovery of the amount in lieu of alleged shortage of the material was clearly violative of the rules of natural justice are correct because no notice or opportunity of hearing was given to the respondent and the impugned judgment does not call for interference under Article 136 of the Constitution.

The special leave petition is dismissed on the ground of delay and also on merits with costs of rupees fifty thousand to be paid to the respondents along with the amount payable in terms of the decree passed by the High Court.

The petitioners are allowed one month time to comply with the direction contained in the impugned judgment and in this order and submit a report in the Registry of the High Court. Thereafter, the matter be placed before the concerned Bench for its perusal and further directions, if considered necessary.

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(Parveen Kr.Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master