

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10258/2006

(From the judgement and order dated 05/12/2005 in Spl.A.No.745/2005
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SACHIV, JILA SAHKARI FEDERATION LTD., KANPUR

Petitioner(s)

VERSUS

GOVIND NARAYAN SHUKLA

Respondent(s)

[With prayer for interim relief and office report]

Date: 21/09/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s) Mr. Sudhir Nandrajog, Adv.
Mr. Sanjay Pathak, Adv.For Respondent(s) Mr. Sanjay Kumar Singh, Adv.
Mr. R.K. Ranjan, Adv. for
Mr. M.P. Shorawala, Adv.UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is allowed in terms of the signed order.

(Subhash Chander)
Court Master(Phoolan Wati Arora)
Court Master[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4438 OF 2007
[Arising out of S.L.P.(C)No.10258 of 2006]

Sachiv, Jila Sahkari Federation Ltd., KanpurAppellant

Versus

Govind Narayan Shukla

....Respondent

ORDER

Leave granted.

This appeal has been filed against an order dated 05 th December 2005 passed by a Division Bench of the High Court of Allahabad rejecting the application for condonation of delay in filing the Special Appeal before it.

Considering the facts and circumstances of this case and having gone through the application for condonation of delay in filing the Special Appeal, we are satisfied that the said delay ought to have been condoned by the Division Bench of the High Court. We, therefore, deem it fit to set aside the impugned order and condone the delay in filing the Special Appeal subject to payment of Rs.5,000/- (Rupees five thousand only) to the respondent within two weeks from this date, in default whereof this order shall stand recalled and the Special Leave Petition shall stand dismissed automatically.
C.A.No.4438/07 (Contd.)

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In view of the order passed in this appeal, we request the High Court to decide the Special Appeal on merits in accordance with law.

The appeal is allowed accordingly.

Sd/-
.....J.
[TARUN CHATTERJEE]

Sd/-
.....J.
[DALVEER BHANDARI]

New Delhi.
September 21, 2007.