

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.10654/2001

(From the judgement and order dated 14/12/2000 in LPA 100/98
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PARAMJIT SINGH & ORS.

Petitioner (s)

VERSUS

FINAN.COMNR.REV.&SECY.,GOVT.,PUNJAB &ORS

Respondent (s)

(With prayer for interim relief)(With office report)

Date : 01/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE ASHOK BHANFor Petitioner (s) Mr. Sudhir Chandra, Sr.Adv.
Mr. Manoj Swarup,Adv.
Mr. Kanwaljit Singh, Adv.
Mr. Manish Khandelwal, Adv.
Mr. Hiren Dasan, Adv.For Respondent (s) Mr. SD Sharma, Sr.Adv.
Mr. Dinesh Verma, Adv.
Ms. Suresh Kumari, Adv.
Mr. A.P. Mohanty,Adv.Mr. SD Sharma, Sr.Adv.
Mr. Neeraj Sharma, Adv.
Mr. Balbir Singh Gupta,Adv.Mr. RK Talwar, Adv.
Mr. Yash Pal Dhingra,Adv.Mr. Inderbir Singh Alag, Adv.
Mr. Rajeev Sharma, Adv.UPON hearing counsel the Court made the following
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Learned counsel argued the case for five minutes.
Leave granted.
The appeal is allowed with costs.

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(Alka Dudeja)
Court Master(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 901 OF 2002@@
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(Arising out of S.L.P.(C) No. 10654/2001)

PARAMJIT SINGH & ORS. ... Appellant (s)

VERSUS

FINAN.COMNR.REV.&SECY.,GOVT. PUNJAB &ORS ... Respondent (s)

O R D E R@@
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Leave granted.

The appellants herein filed a writ petition before the High Court of Punjab and Haryana. It is alleged that their counsel could not be present when the matter was taken up by the Court and the High Court on 2.1.95 decided the writ petition in their absence. Under such circumstances, the appellants moved an application on 19.2.95 for recall/review of the order. However, this application remained pending for a considerable period of time. Subsequently, on 23.1.98 the said application was dismissed. The appellants thereafter preferred a Letters Patent Appeal on 12.2.98 along with an application for condonation of delay in filing the appeal. The Division Bench of the High Court dismissed the application for condonation of delay solely on the premise that the appellants have only two options - either to seek a remedy by way of review petition or by filing a Letters Patent Appeal. In that view of the matter, the application for condonation of delay was rejected.
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Consequently, the Letters Patent Appeal was also dismissed. It is against the said judgment, the appellants have filed this appeal by way of special leave petition.

This Court, while entertaining the special leave petition, passed the following order:

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"Issue notice confined to the question as to why the case should not be sent back to the High Court for decision on merits. Issue notice on prayer for interim relief.

Mr. AP Mohanty accepts notice on behalf of respondent Nos. 3 and 4 and Mr. BS Gupta accepts notice on behalf of respondent Nos. 5 to 8. They pray for and are allowed four weeks' time to file counter affidavit. Three weeks' time thereafter is granted to file rejoinder affidavit. List after seven weeks.

Meanwhile status quo as on date shall be maintained."

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Heard counsel for the parties.

We have seen the explanation given by the appellants for condonation of delay in filing the Letters Patent Appeal. We find that the cause shown is sufficient. We, therefore, set aside the order and judgment under challenge and after condoning the delay remand the matter to the High Court for decision of appeal on merits. Learned counsel appearing for the respondents, urged that the connected Letters Patent Appeal was dismissed against which the special leave petition was filed by Shri Paramjit Singh which was dismissed and, therefore, no useful purpose would be served by remanding the matter to the High Court. We are not deposed to go into the matter.

The appeal is, accordingly, allowed with costs, which we assess at Rs.5,000/-.

The parties are directed to appear through their counsel before the High Court.

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.....J.
(V.N. KHARE)

.....J.
(ASHOK BHAN)

NEW DELHI
FEBRUARY 01, 2002.