

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7766/2007

(From the judgement and order dated 19/01/2007 in
108/2007 of The HIGH COURT OF DELHI AT N. DELHI)

CM(M) Case No.

M/S RAJENDRAS

Petitioner(s)

VERSUS

DELHI DEVT.AUTHOPRITY & ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 05/12/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI

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

For Respondent(s) Mr. Ashwani Kumar,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master
[Signed Order is placed on the File]
IN THE SUPREME COURT OF INDIA

(Savita Sainani)
Court Master

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7135 OF 2008
(Arising out of SLP(C) No.7766 of 2007)

M/s Rajendras

..Appellant(s)

versus

Delhi Development Authority & Another

..Respondent(s)

ORDER

Leave granted.

Appellate Tribunal, MCD, Delhi passed an order on 22.11.2006

in Appeal No.94/2006, whereby the Tribunal refused to condone the delay in filing the appeal and dismissed the same as barred by limitation. The said order has been confirmed by the High Court by its impugned judgment dated 19th January, 2007 passed in C.M.(Main) No.108 of 2007. Hence, this appeal by special leave.

Having heard learned counsel for the parties and perused the record, we are of the view that in the facts and circumstances of the case, the Appellate Tribunal, MCD was not justified in refusing to condone the delay and dismissing the appeal on the ground of delay and the High Court was not justified in confirming the same.

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Accordingly, the appeal is allowed; impugned orders of the High Court as well as Appellate Tribunal are set aside, delay in filing the appeal before the Appellate Tribunal is condoned and the Tribunal is directed to dispose of the appeal on merits in accordance with law after giving an opportunity of hearing to the parties.

.....J.
[B.N. AGRAWAL]

NEW DELHI;
DECEMBER 05, 2008.

.....J.
[G.S. SINGHVI]