

V
ITEM NO.4

COURT NO.3

SECTION IVA

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).12251/2013

(From the judgement and order dated 12/12/2012 in MFA No.6593/2010 of The HIGH COURT OF KARNATAKA AT GULBARGA)

MALLAPPA & ORS.

Petitioner(s)

VERSUS

ADDL.SPECIAL LAND ACQUISITION OFFICER

Respondent(s)

(With office report)

Date: 09/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Anil Katarki, Adv.

For Respondent(s)

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

This petition is directed against order dated 12.12.2012 passed by the Division Bench of the Karnataka High Court, Circuit Bench at Gulbarga whereby the application filed by the petitioners for condonation of 1314 days delay in filing an appeal under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') was dismissed along with the main appeal.

At the hearing, learned counsel for the petitioners invited our attention to order dated 16.10.2012 passed by another Division Bench of the High Court, Circuit Bench at Dharwad whereby delay of 3395 days in filing an appeal under Section 54 of the Act was condoned on the premise that the appellants in that case had given an undertaking not to claim interest for the period of delay.

After going through the certified copy of order dated 16.10.2012, we enquired from the learned counsel whether the same was placed before the Bench which dismissed the appeal filed by the petitioners. In reply, the learned counsel stated that order dated 16.10.2012 passed by the Division Bench of the High Court, Circuit Bench at Dharwad was not brought to the notice of the Division Bench which decided the petitioners' appeal.

In view of the above, we feel that ends of justice will be served by giving liberty to the petitioners to file an application for review of the impugned order by citing order dated 16.10.2012 passed by the Division Bench of the High Court, Circuit Bench at Gulbarga in Miscellaneous Civil No.100995 of 2011 in M.F.A. No. 20491 of 2011. Ordered accordingly.

It is needless to say that if the Division Bench of the High Court declines the petitioners' prayer for review of the impugned order and condone the delay subject to the condition of their giving an undertaking not to claim interest for the period of delay, then they shall be free to again seek intervention of this Court.

| (Parveen Kr.Chawla)
| Court Master
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| | (Phoolan Wati Arora)
| | Court Master
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