

SLP(C)No. 11608 OF 2001

ITEM No.62

Court No. 3

SECTION IVA
A/N MATTER

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.11608/2001

(From the judgement and order dated 16/11/2000 in MFA 4544/99
of The HIGH COURT OF KARNATAKA AT BANGALORE)

S. RAMA

Petitioner (s)

VERSUS

KARNATAKA STATE FINANCIAL CORPORATION

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 31/03/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr.Girish Ananthamurthy,Adv.
Mr. P.P. Singh,Adv.

For Respondent (s) M/s Naresh Kaushik,Shilpa Chohan,
Mrs Lalita Kaushik,Advs.

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

.....L.....I.....T.....T.....T.....T.....T.....J.....J
.SP2

Heard the learned counsel for the parties for some
time.

Leave is granted.

The appeal is allowed in terms of the signed
order. No costs.

.SP1

[Naresh Kumar]
Court Master

[Kanwal Singh]
Court Master

[Signed order is placed on the file.]

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.....L.....T.....T.....T.....T.....T.....T.....T.....T.....R
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2591 OF 2003@@
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[Arising out of SLP(C) 11608/2001]

S. Rama ...Appellant

Vs.

Karnataka State Financial Corpn. ...Respondent

O R D E R@@
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L....L....I....T.....T.....T.....T.....T.....T.....T.....J....R
.SP2

Heard the learned counsel for the parties.
Leave is granted.

This appeal is directed against the order of the High Court of Karnataka dated 16.11.2000 passed in IA No.3 in MFA No.4544/1999 declining to extend time for payment of costs.

The appellant is the defendant in the suit out of which this appeal arises. The appellant sought relief under Order IX Rule 13, CPC, in Misc.Case No.48/98, to set aside the ex-parte decree dated July 1, 1997, passed in Misc.Case No.47/1996. The learned trial judge dismissed the Misc. Case as being barred by time. In appeal, the High Court deemed it fit to set aside the ex-parte decree by its order dated February 15, 2000 on condition of the appellant depositing Rs.5000/- within four weeks from that date; it was made clear that in default of depositing the amount within the specified time the appeal should stand dismissed. By the I.A. referred to above the appellant sought extension of time for payment of the said amount.

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Taking the view that the order dated 15th February, 2000 had worked out itself the High Court dismissed the petition. It is against that order the appellant is before us in this appeal.

Having heard the learned counsel for the parties, we are of the view that on the facts of the case, it would be just and appropriate to permit the appellant to deposit the amount. While entertaining the S.L.P. this Court directed the appellant to deposit the said amount. We are informed that the appellant has deposited the amount on 24th March, 2002. We, therefore, extend the time granted by the High Court in its order dated February 15, 2000 till March 24, 2002.

In the result, the order under challenge is set aside and the appeal of the appellant before the High Court shall stand allowed. The trial court shall now take up the matter and dispose of the Misc. Case afresh within three months from today in accordance with law. The appeal is accordingly allowed. No costs.

.SP1

.....J.
[SYED SHAH MOHAMMED QUADRI]

New Delhi,
March 31, 2003.@@
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.....J.
[ASHOK BHAN]