

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).9508/2006

(From the judgement and order dated 21/12/2005 in CMP No. 18240/2005 & OSA No. 18260/2005 & OSA No. 18261/2005 & OSA No. 89894/2005 & OSA No. 89900/2005 & OSA No. 89904/2005 of The HIGH COURT OF MADRAS)

CANARA BANK

Petitioner(s)

VERSUS

JAI BHAVANI STEEL ENTERPRISES LTD.& ORS.

Respondent(s)

Date: 07/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. Pradeep Dewan, Adv.

Mr. Pramod B. Agarwala, Adv.

For Respondent(s)

Mr. A.N.Hakser, Sr.Adv.

Mr. Sanjeev Puri, Adv.

Mr. Rohit Puri, Adv.

Mr. N. Ganpathy, Adv.

Mr. T.S.Murthy, Adv.

Mr.Senthil Jagadeesan ,Adv

UPON hearing counsel the Court made the following

O R D E R

Special Leave granted.

The appeal is allowed in terms of the signed order.

(Sukhbir Paul Kaur)

(Vijay Dhawan)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1193 OF 2007

(Arising out of SLP(C No.9508 of 2006)

Canara Bank

...Appellant(s)

Versus

Jai Bhavani Steel Enterprises Ltd. & Ors.

...Respondent(s)

O R D E R

We have heard Counsel for the parties and we propose to

dispose of this matter at this stage.

Special Leave granted.

The High Court by its impugned order dated 21st December, 2005 dismissed the three appeals preferred by the appellant Bank on the ground of delay. It appears that there was a delay of 32 days, 41 days and 41 days respectively.

Having regard to the nature of the controversy and the issue involved, in our view, the interest of justice would be met if the delay is condoned. Counsel for Respondent Nos. 1 and 4 submits before us that the ground made out in the application for condonation of delay filed before the High Court attributes a statement to Respondent No.4 which is not true. If the delay is condoned, that may adversely affect the interest of Respondent No.4 inasmuch as

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it may be construed later that the statement made in the application for condonation of delay has been accepted by this Court while condoning the delay. We do not wish to give that impression. We are condoning

the delay on the ground only of the interest of justice. We do not wish

to say anything about the statement attributed to respondent No.4

which may be true or false. If that question arise in future, it will be

open to the Court to consider the same in accordance with law.

In the result, this appeal is allowed. The delay in filing the
appeal before the Division Bench of the High Court is condoned and the
appeals shall now be considered in accordance with law.

.....J.

(B.P.SINGH)

.....J.

(H.S.BEDI)

New Delhi,

March 7, 2007.