

SLP(C)No. 12799 OF 2000

ITEM No.26

Court No. 6

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.12799/2000

(From the judgement and order dated 28/01/2000 in MCC 420/98
of The HIGH COURT OF M.P AT INDORE BENCH)

BABU LAL

Petitioner (s)

VERSUS

RATAN LAL DEAD BY L.RS.

Respondent (s)

(With Appln(s). for impleading party and directions)
(With prayer for interim relief)

Date : 31/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Ms. Neeru Vaid, Adv.
for Ms. N.Annapoorani,Adv.

For Respondent (s) Mr. S.S. Khanduja,Adv.

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

Leave granted.

The appeal is allowed. There shall be no
order as to costs.

In view of the order passed in the signed
order, no further order is required on I.A.No. 4.
I.A. No. 2 is allowed.

.SP1

(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. 6053 OF 2001@@
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(Arising out of S.L.P.(C) No. 12799 of 2000)

Babu Lal ... Appellant

Vs.

Ratan Lal (Dead) by Lrs. ... Respondents

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

Leave granted.

This appeal is directed against the order rejecting the application for restoration of the second appeal dismissed in default. We are satisfied that the cause shown by the appellant for the restoration of appeal is sufficient. We, therefore, set aside the order under challenge and send the case back to the High Court to decide the appeal on merits.

The appeal is allowed. There shall be no order as to costs.

.....L.....I.....T.....T..T....T.....T.....T.....J
.SP1

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

.....J.
(B.N. AGRAWAL)

NEW DELHI
AUGUST 31, 2001.