

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).9040/2006

(From the judgement and order dated 03/01/2006 in WP No. 259/1998 and dated 10.3.2006 in MCC

No. 118/2005 of The HIGH COURT OF M.P AT INDORE BENCH)

RAMESH

Petitioner(s)

VERSUS

CENTRAL BANK OF INDIA & ANR.

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 18/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. Naresh Kaushik, Adv.

Ms. Amita Kalkal, Adv.

Mrs Lalita Kaushik,Adv.

For Respondent(s)

Mr. Shrish Kumar Misra,Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

Appeal stands allowed in terms of the signed order.

(J.S. Rawat)

(Kanwal

Singh)

AR-cum-PS

Court

Master

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4173 OF 2006
(Arising out of SLP(C) No. 9040 of 2006)

Ramesh

Appellant(s)

Versus

Central Bank of India & Anr.

Respondent(s)

O R D E R

Delay condoned.

Heard.

Leave granted.

The undisputed facts of the case are that a Writ Petition was filed by the appellant herein in the High Court seeking various reliefs in respect of matters pertaining to his voluntary retirement, promotion and punitive transfer. The said Writ Petition was admitted for hearing. However, when the Writ Petition was listed for hearing, the counsel for the appellant could not appear on his behalf on account of suffering from "CEREBRO VASCULAR DISEASE" with "MULTIPLE THROMBOEMBOLIC/INFARCTS".

Consequently, the Writ Petition was dismissed by the High Court by order dated 3rd January, 2006 in default for non-appearance of the counsel for the appellant. Thereafter, the appellant filed an application for restoration of the Writ Petition which application was dismissed by the High Court by order dated 10th March, 2006.

Aggrieved against the aforesaid orders dated 3rd January, 2006 and 10th March, 2006, the appellant filed the present appeal.

On 9th May, 2006 limited notice was issued as to why the matter should not be remanded back for reconsideration of the writ petition after restoration.

Keeping in view the facts and circumstances of the case, we are of the opinion that the application for restoration of the Writ Petition filed by the appellant before the High Court deserves to be allowed. Accordingly, the impugned orders dated 3rd January, 2006 dismissing the Writ Petition for non-prosecution and 10th March, 2006 refusing restoration of the Writ Petition are set aside and the Writ Petition is restored to its original status. The case is remitted back to the High Court for a fresh decision on merits in accordance with law.

The appeal stands allowed accordingly.

Parties are directed, through their counsel, to appear before the High Court of Madhya Pradesh on 22nd of November, 2006 for further directions.

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.....J.

(ASHOK BHAN)

New Delhi;
.....J.

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September 18, 2006. (MARKANDEY KATJU)