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SLP(C)No. 11703 OF 2001

ITEM No.58

Court No. 6

SECTION XI
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.11703/2001

(From the judgement and order dated 07/05/2001 in CMWP 18022/86
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

DHAJA RAM

Petitioner (s)

VERSUS

KASHI RAM (D) BY LRS.

Respondent (s)

(With prayer for interim relief)

Date : 24/09/2001 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) Mr. Anil Kumar Sangal, Adv.
Mr. Anurag Pandey, Adv.

For Respondent (s) Ms. Sandhya Goswami, 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.

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(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6711 OF 2001@@
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(Arising out of S.L.P.(C) No. 11703 of 2001)

Dhaja Ram ... Appellant

Vs.

Kashi Ram (D) by Lrs. ... Respondents

O R D E R@@
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Leave granted.

The appellant herein filed a writ petition in the High Court. It appears that respondent No. 3 died on 20th May, 1998. However, an application for substitution was filed on 12th August, 1999 alongwith an application for condonation of delay. The High Court rejected the application for condonation of delay. Consequently, the application for substitution also stood rejected. In that view of the matter, the writ petition was held to have been abated. It is against the said order of the High Court, the appellant has filed this appeal by way of special leave petition.

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We have heard counsel for the parties and looked into the record. We are satisfied that the cause shown by the appellant for condonation of delay was sufficient. After condoning the delay and setting aside the order of abatement, we allow the application for substitution and direct the High Court to decide the writ petition on merits.

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

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

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

NEW DELHI
SEPTEMBER 24, 2001.