

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9369/2007

(From the judgement and order dated 06/11/2006 in WP No. 3680/1993 and Mr. 29.3.2007 in CA No. 422/2007 in RP 2299/2007 of The HIGH COURT OF BOMBAY)

KESHAV BABANNA NAIK

Petitioner(s)

VERSUS

NAINARAM PREMAJI CHAUDHARI & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned order and prayer for interim relief and office report))

Date: 05/09/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Ms. Sumita Hazarika,Adv.

For Respondent(s)

Mr. V.B. Joshi,Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

The 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. 4060 OF 2007

(Arising out of SLP(C) No. 9369 of 2007)

Keshav Babanna Naik

Appellant(s)

Versus

Nainaram Premaji Chaudhari & Ors.

Respondent(s)

ORDER

1. Leave granted.
2. Heard the counsel for the parties.
3. The High Court by the impugned order declined to condone the delay of 88 days in filing the Review Application and dismissed the Review Application.

4. On 14th May, 2007, when the matter came up for hearing before this Court, limited notice was issued to show cause why the impugned order be not set aside and the case be remitted back to the High Court for fresh disposal of the Review Application on merits in accordance with law.

5. The order of this Court dated 14 th may, 2007 is made absolute. Delay in filing the Review Application is condoned and the case is remitted back to the High Court for a fresh decision on the Review Application on merits.

6. Nothing stated herein above shall be treated as an expression of opinion on merits.

7. The appeal stands allowed accordingly.

.....J.  
(ASHOK BHAN)

New Delhi;  
September 05, 2007.

.....J.  
(V.S. SIRPURKAR)