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Item No.16

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  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.3090/2000

(From the judgement and order dated 23/11/1998 in LRRP 5163/88  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

NONAYYA SAPALYA

Petitioner (s)

VERSUS

MEERA BHATT & ORS

Respondent (s)

(With prayer for interim relief)

Date : 03/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M. JAGANNADHA RAO  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr.T.K.Gopinath,adv  
Mr. M.K. Michael,Adv.

For Respondent (s) Mr.S.Ravindra Bhat,adv  
Ms.Hetu Arora,adv  
Ms.Lalit Mohini Bhat,adv  
Mr. Shiv Kumar Suri,Adv.

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

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

Leave granted.

Appeal is disposed of in terms of the signed  
order. There will be no order as to costs.

(T.K.Viswanadhan)  
Court Master

(S.Malkani)  
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. 6313 OF 2000@@  
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(Arising out of S.L.P.(C) 3090/2000)

Nonayya Sapalaya ..... Appellant

Vs.

Meera Bhatt & ors. .... Respondents

O R D E R

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Leave granted.

The appellant claims to be the tenant of the land in dispute. According to him, he was in possession as a tenant and cultivating the land from 1953 onwards and that his name is also found in the Record of Rights pertaining to the years, 1973-'74. He contends that the mutation was made in favour of appellant in 1974 without notice and that the respondents trespassed into the land. The Land Tribunal which dealt with the matter on remand from the High Court held against the appellant in its order dated 27.12.1985. An appeal was preferred by the appellant before the Additional Land Reforms Appellate Authority, Puttur (D.K.)-L.R.A.A. 464/86. But ultimately the said appeal was dismissed on 8.1.88 on the ground that there was delay of 7 months. Against that order a revision was filed in the High Court and the same was also dismissed on the ground that the appeal was

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filed beyond the period prescribed.

After going through the orders passed by the Appellate Authority and the High Court, we are of the view that this is a fit case in which the appeal ought to have been disposed by the Appellate Authority on merits by condoning the delay and dealing with the merits of the case. The Appellate Authority ought not to have rejected the appeal on the ground of delay. The appellant had given adequate explanation as to when he got certified copies and how he approached the Advocates to have the appeal filed in time.

For the aforesaid reasons, we set aside the order of the Appellate Authority dated 8.1.88 and also the order of the High Court dated 23.11.98 and we restore the appeal No.L.R.A.A. 464/86 before the Additional Appellate Authority, Puttur (D.K.). The matter is remanded to the said authority for disposal in accordance with law. Pending appeal, status quo, as of today, will continue. The Appellate Authority is directed to dispose of the appeal within a period of 6 months from the date of receipt of this order.

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We should not be understood as having said anything on the merits of the case.

The appeal is disposed of accordingly. There will be no order as to costs.

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.....J  
(M.JAGANNADHARAO)

New Delhi,  
November 3,2000

.....J  
(K.G.BALAKRISHNAN)