

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.13135/2000

(From the judgement and order dated 25/04/2000 in LPA 1571/99
of The HIGH COURT OF PATNA)

SHARDA SAHAY

Petitioner (s)

VERSUS

STATE OF BIHAR & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 12/03/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Mr.Rakesh Dwivedi,Sr.Adv.
Ms. Kirti Sinha,Adv.
Mr. Manish Mohan,Adv.
Mr. Ugra Shankar Pd.,Adv.

For Respondent (s) Mr. S.B. Sanyal,Sr.Adv.
Ms. Monika Vserma,Adv.
Mr. Sunil Roy,Adv.

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

L.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted. The appeal is disposed of.

.SP1

(Ganga Thakur)
P.S.to Registrar

(V.P. Tyagi)
Court Master

Signed order is placed on the file. 3

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.PL66

CIVIL APPEAL NO. OF 2001@@
EE
(Arising out of SLP(C) No.13135/2000)

Sharda Sahay

...Appellant

VERSUS

State of Bihar & Ors.

...Respondent

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

Leave granted.

Heard learned counsel for the parties.

The notice was issued limited to the question whether the High Court was justified in dismissing Letters Patent Appeal on the ground of delay. No doubt the High Court has further added one line 'dismissed on merits also'. After perusing the record and after hearing learned counsel for the parties and on the facts and circumstances of the case, we feel it appropriate to set aside the impugned order of the High Court and remand the case back for its fresh consideration condoning the delay in filing the Letters Patent Appeal. This is done on the condition that the appellant to deposits the admitted rent plus 15% interest on it deposited within a period of six weeks from today in the High Court itself. With this observation this appeal is finally disposed of.

.SP1

.....J
(A.P. MISRA)

New Delhi,
March 12, 2001.

.....J
(DORAISWAMY RAJU)