

ITEM NO.64

COURT NO.6

SECTION XIV

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).14175/2010

(From the judgement and order dated 13/01/2010 in MA No. 21/2009
of The HIGH COURT OF DELHI AT N. DELHI)

BRIJ MOHAN

Petitioner(s)

VERSUS

SUNITA

Respondent(s)

(With office report)

Date: 05/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Mr. Abhay Kumar, Adv.

For Respondent(s) Not represented till date.

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

Leave granted.

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6373 OF 2011
(Arising from SLP(C) No.14175/2010)

Brij Mohan

..Appellant

versus

Sunita

..Respondent

O R D E R

Leave granted.

Heard learned counsel for the appellant.

Respondent has been served but none appeared on her behalf.

We have perused the impugned order.

The appellant's appeal was dismissed by the High Court on the ground of delay of 380 days in refiling the appeal.

We are of the opinion that delay should have been condoned by the High Court.

Accordingly, we allow this appeal, set aside the impugned order of the High Court, condone the delay of 380 days in refiling the appeal and remand the matter to the High Court to decide the appeal on merits in accordance with law expeditiously.

.....J.
[MARKANDEY KATJU]

NEW DELHI;J.
August 05, 2011 [CHANDRAMAULI KR. PRASAD]