

THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8469 OF 2015
(Arising out of SLP (C) No.19619 of 2013)

RAM KUMAR KUNDU ...APPELLANT(S)

VERSUS

ORIENTAL INSURANCE ...RESPONDENT(S)
COMPANY LTD. & ANR.

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Judicature at Allahabad in First Appeal No.243 of 2013, dated 05.02.2013, whereby the High Court did not condone the delay of 246 days in filing the appeal filed by the appellant and consequently dismissed the appeal on the ground of delay.

3. Heard learned counsel for the parties the

lis.

Signature Not Verified

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NEETU KHAJURIA
Date: 2015.10.17
15:46:22 IST
Reason:

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4. In our view, the High Court while condoning the delay of 246 days in appeal, should have decided the appeal on merits, instead of dismissing it on the ground of delay. Hence, we condone the delay of 246 days in filing the appeal before the High Court and remand the matter to the High Court to consider and decide the case on merits, in accordance with law.

5. The Civil Appeal is disposed of accordingly.

.....CJI.

(H.L. DATTU)

.....J.
(ARUN MISHRA)

NEW DELHI,
OCTOBER 07, 2015.

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ITEM NO.65

COURT NO.1

SECTION XI

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 (C) No(s).19619/2013

(Arising out of impugned final judgment and order dated
05/02/2013 in FA No. 243/2013 passed by the High Court of
Judicature at Allahabad)

RAM KUMAR KUNDU

Petitioner(s)

VERSUS

ORIENTAL INSURANCE COMPANY LTD. & ANR.

Respondent(s)

Date : 07/10/2015 This petition was called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. Vipul Maheshwari, Adv.
Mr. Manu Surotriya, Adv.
Mr. Vishwa Pal Singh, Adv.

For Respondent(s) Mr. Manish Pratap Singh, Adv.
Dr. Nafis A. Siddiqui, Adv.

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

Leave granted.

The appeal is disposed of in terms of the
signed order.

In view of the above, pending
application(s), if any, stand disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)