

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).12330/2006

(From the judgement and order dated 02/02/2006 in LPA No. 489/2005 of The  
HIGH COURT OF JHARKHAND AT RANCHI)

STATE OF JHARKHAND & ORS.

Petitioner(s)

VERSUS

RADHEY SHYAM PRASAD SINGH

Respondent(s)

Date: 27/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Gopal Prasad,Adv.

For Respondent(s)

Mr. A.P. Mohanty, Adv.

Mr. R.D. Rathore, Adv.

Mr. Uday Kumr, Adv.

Mr. P.K. Pattanaik, Adv.

Dr. Kailash Chand,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

4 days in

The impugned order is set aside. The delay of 23

preferring the appeal is condoned. The LPA No.489 of 2005 is restored to the file of the High Court and the same shall be disposed of on merits after hearing the parties.

The appeal is allowed. No costs in terms of the signed order.

(PAWAN KUMAR)  
D SINGH)

(ANAN

COURT MASTER

COURT MASTER

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2006  
(arising out of SLP(C)No.12330 of 2006)

STATE OF JHARKHAND & ORS.

...

APPELLANTS

VERSUS

RADHEY SHYAM PRASAD SINGH

...

RESPONDENT

O R D E R

Leave granted.

The challenge in this appeal is to the order dated 02.02.2006 passed by the Division Bench of the High Court of Jharkhand at Ranchi in LPA No.489 of 2005 wherein the High Court has refused to condone the delay of 234 days in preferring the appeal.

In the facts and circumstances of this case, we are of the view that the High Court ought to have condoned the delay and examined the appeal on merits. Accordingly, the impugned order is now set aside. We condone the delay of 234 days in preferring the appeal. The LPA No.489 of 2005 is restored to the file of the High Court and the same shall be disposed of on merits after hearing the parties.

The appeal is allowed. No costs.

.....J.

( H.K. SEMA )

.....J.

( P.K. BALASUBRAMANYAN )

NEW DELHI,  
NOVEMBER 27, 2006.