

SLP(C)No. 14569 OF 2000

ITEM No.40

Court No. 6

SECTION IX  
A/N MATTER

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.14569/2000

(From the judgement and order dated 06/04/2000 in CA 1715/98  
in LPA 6014/98 in WP 1607/97 of the High Court of Membai,  
Nagpur Bench )

BIHARILAL NANHULAL GUPTA VAISHYA & ORS.

Petitioner (s)

VERSUS

RAVINDRA RAMASA CHOURE & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 03/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Mr. Sidharth Bhatnagar, Adv.  
Mr. N.M. Sakhardande, Adv.  
Ms. Meenakshi Sakhardande, Adv.  
Mr. S.R. Grover, Adv.

For Respondent (s) Mr. R.S. Lambat, Adv.

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

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

Leave granted.  
The appeal is allowed in terms of the signed order.

.SP1

Charanjit

[ Om Prakash ]  
Court Master

[ Signed order is placed on the file ]

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6178 OF 2001@@

EE

( Arising out of SLP(C) 14569/2000 )

Biharilal Nanhulal Gupta ...Appellants  
Vaishya & Ors.

Versus

Ravindra Ramasa Choure & Ors. ...Respondents

O R D E R

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

Leave granted.

Heard learned counsel on both sides.

The High Court dismissed the Letters Patent Appeal(LPA) on the ground that the same had been filed not in due time but 129 days thereafter. The explanation sought to be offered by the appellants is that there was communication gap between the appellants and their counsel on account of the illness of the party who was handling the case.

In the circumstances the High Court ought to have condoned the delay. Therefore, the order made by the High Court is set aside, remitting the matter to the High Court and the LPA is restored to the file of the High Court for decision on merits. The appeal is allowed accordingly.

.SP1  
.....J  
[ S. RAJENDRA BABU ]

.....J  
[ DORAISWAMY RAJU ]

New Delhi,  
September 3, 2001