

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.16025-16026/1999

(From the judgement and order dated 18/06/1999&30.6.99 in RFA 224/99&
IA No.II In RDA 224/99 of The HIGH COURT OF KARNATAKA AT BANGALORE)

ABDUL GAFOOR

Petitioner (s)

VERSUS

MUDDAPPA REDDY (DEAD) BY LRS.&ANR.

Respondent (s)

Date : 08/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s)

Ms. Kiran Suri,Adv.

For Respondent (s)

Mr. S.N. Bhat,Adv.

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

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

Service complete.
Leave granted.
Appeals are disposed of.

.SP1

(Suman Wadhwa)
PA to Addl.Regr.

(H.K. Bhatia)
Court Master

Signed order is placed on the file.

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.PL55

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 299-300 OF 2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP(C)Nos.16025-16026/99)

Abdul Gafoor

...Appellant

Vs.

Muddappa Reddy(D) by Lrs. & Anr. ...Respondents

ORDER@@
CCCCC

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

Service is complete.
Leave granted.

A regular first appeal was filed by the appellant before the High Court after delay of 1585 days. That was sought to be explained through I.A.No.1 in RFA No.224/99. That application happened to be dismissed for non-remittance of the process fee by order dated 18.6.1999. Appellant moved an application for recalling the said order. When that application was considered the High Court dismissed it on the ground that there was no satisfactory explanation for the long delay of 1585 days.

We do not think that the High Court should have made that observation when the High Court was only called upon to consider whether the order dated 18.6.1999 was to be upset or not. The said order happened to be passed only on the ground of default in remittance of the process fee. Counsel now explained that the process fee

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could not be remitted in time due to some lapse and that may be condoned. We do not want to adopt a technical stand in the matter. We set aside the order dated 18.6.1999. The High Court now has to consider I.A.No.1 which was filed for condoning the delay of 1585 days. Though arguments have been addressed before us and learned counsel for the respondent addressed arguments in counter thereon we deem it necessary that the High Court should exercise its mind in the matter, since the High Court has not done it so far. We, therefore allow this appeal and set aside the order dated 18.6.1999 as well as 30.6.1999. While disposing of IA No.1 in RFA No.224/99, the High Court shall not be influenced by the observations made in the order dated 30.6.99.

These appeals are disposed of accordingly.

.SP1

.....J.
(K.T. Thomas)

New Delhi;
January 8,2001.

.....J.
(R.P.Sethi)