

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8407 OF 2015
(Arising out of SLP(C) No.19082 of 2013)

KHARPATTU @ LAL JI YADAV .. APPELLANT(S)

VERSUS

AAKANCHHA SINGH & ANR. .. RESPONDENT(S)

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 From Order (Defective) No.378 of 2012, dated 18.03.2013.
3. A perusal of the order passed by the High Court would clearly indicate that the High Court without going into the merits of the appeal has declined to condone the delay of 585 days in filing the appeal against the judgment and order passed by the Motor Accident Claims Tribunal/Additional District Judge, Allahabad (for short, "the Tribunal").

4. In our opinion, the High Court ought to have gone into the merits of the case and then come to the conclusion. Since that has not been done, we take exception to the order passed by the High Court. Accordingly, we condone the delay of 585 days in preferring the appeal before the High Court; allow this appeal and set aside the judgment and order passed by the High Court. The matter is remanded back to the High Court for fresh disposal on its merits and in accordance with law.

5. We clarify that, before passing any orders, the High Court would call for the records and re-appreciate the entire evidence on record and thereafter pass a speaking order.

6. All the contentions of both the parties are kept open to be agitated before the High Court.

.....CJI.
[H.L. DATTU]

.....J.
[ARUN MISHRA]

NEW DELHI;
OCTOBER 08, 2015.

ITEM NO.4

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). 19082/2013

(Arising out of impugned final judgment and order dated
18/03/2013 in FA No. 378/2013 passed by the High Court Of
Judicature at Allahabad)

KHARPATTU @ LAL JI YADAV

Petitioner(s)

VERSUS

AAKANCHHA SINGH & ANR.

Respondent(s)

Date :08/10/2015 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. P.K. Jain, Adv.
Mr. Saurabh Jain, adv.
Mr. P.K. Goswami, Adv.
Mr. S.P. Singh Rathore, Adv.
Mr. Sudharkar Dwivedi, Adv.
Mr. Uday Prakash Yadav, Adv.

For Respondent(s) Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. Raghav Shekhar, Adv.
Mr. M. J. Paul, Adv.
Ms. Swati Singh, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed
order.

As a sequel to above order, all pending
applications, if any, are disposed of.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]