

SLP(C)No. 329 OF 2001

ITEM No.32

Court No. 6

SECTION IVA
A/N MATTER

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 (Civil) No.329/2001

(From the judgement and order dated 29/06/2000 in CRP 1861/00
of The HIGH COURT OF KARNATAKA AT BANGALORE)

SUKHDEV THIMMANNA DHONGARE & ORS.

Petitioner (s)

VERSUS

NARAYANA DAMODHAR SHONDARE

Respondent (s)

Date : 15/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Ms. Kiran Suri,Adv.

For Respondent (s) Mr. GV Chandrashekhar, Adv.
for Mr. P.P. Singh,Adv.

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

.....L.....I.....T.....T.....T.....T.....J
Leave granted.

The appeal is allowed. There shall be no
order as to costs.

.SP1

(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

.PA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7210 OF 2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of S.L.P.(C) No. 329 of 2001)

Sukhdev Thimmanna Dhongare and Ors. ... Appellants

Vs.

Narayana Damodhar Shondare ... Respondent

O R D E R@@
CCCCCCCC

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

Leave granted.

The appellants herein filed a second appeal, which was converted into a civil revision petition before the High Court of Karnataka and the same was within time. However, office pointed out certain defects in the said second appeal and, therefore, after removing those defects, the appellants re-filed the revision petition and in that process there occurred some delay. The appellants herein moved an application under Section 5 of the Limitation Act for condonation of delay. The said application was rejected. Consequently, the civil revision petition also stood rejected. It is against the said judgment, the appellants have preferred this appeal.

...2/-

-2-

We have heard counsel for the parties and are satisfied that the appellants have made out sufficient cause for condonation of delay in re-filing the matter. We, therefore, set aside the judgment under challenge and send the case back to the High Court to decide the civil revision petition in accordance with law. The appeal is allowed. There shall be no order as to costs.

.....L.....I.....T.....T..T....T.....T.....T.....J
.SP1

.....J.
(V.N. KHARE)

.....J.
(B.N. AGRAWAL)

NEW DELHI
OCTOBER 15, 2001.