

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

INTERLOCUTORY APPLICATION NO.1 OF 2008

IN

CIVIL APPEAL NO.497 OF 2009

(Arising out OF SLP(C)No.15389 of 2008)

BATA INDIA LTD.

...Appellant

VERSUS

STATE OF UTTRAKHAND & ANR.

...Respondents

ORDER

Leave granted.

This appeal is directed against the judgment and final order dated 22.5.2008 passed by the High Court of Uttarakhand at Nainital in Delay Condonation App.No.1854 of 2008 in Writ Petition No.1013 of 2002.

Having heard learned counsel for the parties and the materials on record and considering the averments made in the application for condonation of delay, we are of the view that the appellant has made out sufficient cause for condonation of delay in filing the application. Accordingly, the impugned order is set aside and the Writ Petition is restored to its original number. The High Court is requested to dispose of the Writ Petition at an early date preferably within three months from the date of communication of this order to it. The appeal is accordingly allowed to the extent indicated above. There will be no order as to costs.

In view of the order passed in the appeal hereinabove, the application for vacating stay has become infructuous and the same is accordingly disposed of.

**.....J.
(TARUN CHATTERJEE)**

**.....J.
(H.L. DATTU)**

**NEW DELHI,
JANUARY 27, 2009.**

