

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(s).16627/2010

(From the judgement and order dated 02/03/2010 in CR No. 3240/2009 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

IMPROVEMENT TRUST,MOGA

Petitioner(s)

VERSUS

PAWAN KUMAR

Respondent(s)

(With office report )

Date: 28/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Salil Sagar, Sr. Adv.  
Mr. Arun K. Sinha, Adv.  
Mr. Rakesh Singh, Adv.  
Mr. Sumit Sinha, Adv.  
Mr. Ajay Marwah, Adv.

For Respondent(s) Mr. R.K.Kapoor, Adv.  
Ms. Neelu, Adv.for  
Mr. Anis Ahmed Khan, Adv.

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

Leave granted.

The Appeal is allowed in terms of the signed order.  
No costs.

(Indu Satija)  
Court Master

(Parveen Kr. Chawla)  
Court Master

[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1077 OF 2011  
(Arising from SLP(C) No.16627/2010)

Improvement Trust, Moga

..Appellant

versus

Pawan Kumar

..Respondent

O R D E R

Leave granted.

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order dated 02.03.2010 passed by the High Court of Punjab & Haryana at Chandigarh in Civil Revision No. 3240 of 2009.

By the impugned judgment, the High Court has upheld the order of the appellate authority declining to condone the delay of 51 days in filing the appeal before the appellate authority.

In our opinion, the appellate authority and the High Court should have condoned the delay of 51 days in filing the appeal before the appellate authority and should have decided the appeal on merits.

Accordingly, we allow this appeal, set aside the impugned order of the High Court and the appellate authority, condone the delay of 51 days in filing the appeal before the appellate authority and remand the matter

Civil Appeal arising from SLP(C) No.16627/2010)

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to the appellate authority to be decided on merits in accordance with law, expeditiously. No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
JANUARY 28, 2011

.....J.  
[GYAN SUDHA MISRA]