

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).13188/2006

(From the judgement and order dated 07/02/2006 in RSA No.978/2005
and RP No.417/2006 dated 15/06/2006 of The HIGH COURT OF KERALA AT
ERNAKULAM)

MEREENA & ORS.

Petitioner(s)

VERSUS

DEVASSY

Respondent(s)

(With prayer for interim relief and office report)

Date: 09/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s) Mr. A. Raghunath,Adv.

For Respondent(s) Mr. K. Rajeev,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Leave granted.

The civil appeal is allowed.

No costs.

[T.I. Rajput]

[Om Prakash]

A.R.-cum-P.S.

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1241 OF 2007

(Arising out of S.L.P.(C) No.13188 of 2006)

Mereena and Ors.

...Appellant(s)

Versus

Devassy

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

By the impugned order, the High Court has refused to condone the delay of 40 days in filing the second appeal before it. In the facts and circumstances of the case, we are of the view that delay in the present case should have been condoned.

Accordingly, civil appeal is allowed, impugned order passed by the High Court dismissing the second appeal on the ground that the same was barred by limitation is set aside, delay in filing the same is condoned and the High Court shall dispose of the second appeal on merits.

No costs.

.....J.

[B.N. AGRAWAL]

.....J.

[DALVEER BHANDARI]

New Delhi,

March 09, 2007.