

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11939/2006

(From the judgement and order dated 05/05/2006 in for Condonation of Delay No.12104 of 2005 in CA No. 1128/2003 in FA 263/1981 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

RASIKLAL RAMANLAL ZAVERI

Petitioner(s)

VERSUS

RAJU CHIMANLAL & ORS.

Respondent(s)

(With appln. under Order XXII Rule 3(2) of CPC filed by M/s. Delhi Law Chambers, Advs. with prayer for interim relief and office report)

Date: 17/09/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s)

Mr. Huzefa Ahmadi, Adv.
Mr. Ejaz Maqbool, Adv.
Mr. Pardhuman Gohil, adv.
Mr. Vikash Singh, Adv.
Ms. Taruna Singh, Adv.

For Respondent(s)

for

Mr. Mayur R. Shah, Adv.
M/S. Delhi Law Chambers, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

Pursuant to our order dated 04.08.2006 the appellant has deposited the costs of Rs.25,000/-. A prayer has been made by the respondents to allow them to withdraw the costs. The prayer is allowed.

The delay of 12 years and 100 days in filing Civil Application No.1128 of 2003 shall now stand condoned and to that extent the order of the High Court is set aside. The matter is remitted to High Court for the decision on merits. The first appeal is restored on the file of the High Court for disposal after hearing the parties in accordance with law.

The appeal is disposed of accordingly.

(PAWAN KUMAR)
COURT MASTER

(ANAND SINGH)
COURT MASTER

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4371 OF 2007
(arising out of SLP(C)No.11939 of 2006)

RASIKLAL RAMANLAL ZAVERI
APPELLANT

...

VERSUS

RAJU CHIMANLAL AND OTHERS

...

RESPONDENTS

ORDER

Leave granted.

Pursuant to our order dated 04.08.2006 the appellant has deposited the costs of Rs.25,000/-. A prayer has been made by the respondents to allow them to withdraw the costs. The prayer is allowed.

By the impugned order the High Court has refused to condone the delay of 12 years and 100 days in filing Civil Application NO.1128 of 2003 and set aside the order of abatement. Having regard that we have imposed the costs of Rs.25,000/- to condone the delay, the delay of 12 years and 100 days in filing Civil Application No.1128 of 2003 shall now stand condoned and to that extent the order of the High Court is set aside. The matter is remitted to High Court for the decision on merits. The first appeal is restored on the file of the High Court for disposal after hearing the parties in accordance with law.

The appeal is disposed of accordingly.

.....J.

(H.K. SEMA)

.....J.

(P. SATHASIVAM)

NEW DELHI,
SEPTEMBER 17, 2007.