

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).13726/2006

(From the judgement and order dated 24/02/2006 in CMP No. 33/2006 & CCCA No. 60/1994 of The HIGH COURT OF A.P AT HYDERABAD)

AMINA BI (D) BY LRS.

Petitioner(s)

VERSUS

KHALEELUR RAHMAN @ IRFAN AHMED & ANR.

Respondent(s)

(With appln.(s) for C/delay in filing SLP and 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.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. K.K. Mani,Adv.

Mr. K.B.Sandeep, Adv.

For Respondent(s)

Mr. D.Rama Krishna Reddy, adv.

Mrs.D. Bharathi Reddy,Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Special Leave granted.

The appeal is allowed in terms of the signed order.

(Sukhbir Paul Kaur)

(Vijay Dhawan)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1252 OF 2007

(Arising out of SLP(C)No.13726 of 2006 )

AMINA BI (D) BY LRS.

...Appellant(s)

Versus

KHALEELUR RAHMAN @ IRFAN AHMED & ANR.

...Respondent(s)

O R D E R

Delay condoned.

We have heard counsel for the parties.

Special Leave granted.

In an appeal filed by the appellant the impugned order has

been passed by the High Court refusing to condone the delay in filing

an application for substitution of the legal representatives of the

deceased appellant. The High Court did not accept the explanation

offered by the appellant that he did not know about the death of  
the

deceased. From the facts it appears that the deceased had died on 16th

July, 2004 and the application for substitution was made as late as on

29th December, 2005. While it is true that the cause shown by t  
he

appellants is not very convincing, the dismissal of the appeal is  
a

drastic consequence which may be avoided in the interest of justice by

compensating the Respondents with award of cost.

...2/-

-2-

Having regard to the facts and circumstances of the case and

in the interest of justice, we are of the view that the impugned order of

the High Court should be set aside and the substitution of legal representatives allowed subject to payment of cost. We, therefore, direct accordingly. The appellants to pay cost of Rs.10,000/- to the respondents as a condition for allowing the application for substitution of legal representatives.

This appeal is accordingly allowed.

.....J.

( B.P.SINGH)

.....J.

( H.S.BEDI)

New Delhi,

March 9, , 2007.