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SLP(C)No. 444-445 OF 2001  
ITEM No.20

Court No. 8

SECTION XIV  
A/N MATTER

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.444-445/2001

(From the judgement and order dated 16/03/2000 in RSA 99/99 &  
dated 30/6/2000 in CMPM 278/2000 of The HIGH COURT OF H.P  
AT SHIMLA)

LAKHBIR SINGH & ORS.

Petitioner (s)

VERSUS

JAI KUMAR

Respondent (s)

Date : 24/08/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA  
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s)

Mr. Anil Nag,Adv.

For Respondent (s)

Mr. P.R. Bahl, Adv.  
Mr. Sagar Pathak, Adv.  
Mr. M.A.Chinnasamy,Adv.

UPON hearing counsel the Court made the following  
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Leave granted.  
The appeals are allowed in terms of the signed  
order. Costs on the parties.

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Sarita (V.P. Tyagi) @@  
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Court Master@@  
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(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

LAKHBIR SINGH & ORS.

...APPELLANTS

VERSUS

JAI KUMAR

...RESPONDENT

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....J  
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Leave granted.

Heard learned counsel for the parties.

We find, the impugned order is an order passed by the High Court in review which was preferred by the appellants-defendants for recalling the Order dated 16th March, 2000. The High Court rejected the review not on merits but by not condoning the delay in filing review. We have perused the said order and heard learned counsel for the parties. On the facts and circumstances of this case, we feel it appropriate in the interest of justice that the delay in filing the review is condoned. Accordingly, the said order of the High Court is set aside and the case is remanded back to the High Court for deciding the review itself in accordance with law after

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giving reasonable opportunity to the parties. The present appeals are allowed. Costs on the parties.

Learned counsel for the respondent then submitted for expediting the matter in the High Court. It is not appropriate for this Court to pass such an order. However, this is without prejudice to the rights of the respondent to make such a prayer before the High Court.

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.....J.  
(A.P. MISRA)

New Delhi,  
August 24, 2001.

.....J.  
(U.C. BANERJEE)