

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2017
(Arising out of S.L.P. (C) No. 17130/2009)

BHONRI LAL (D) BY LRS.

Appellant (s)

VERSUS

SUSHILA DEVI & ORS.

Respondent(s)

O R D E R

- 1) Leave granted.
- 2) Heard the learned counsel appearing for the parties.
- 3) The impugned order dated 18.02.2009 records that as a result of the death of Bhonri Lal on 03.10.2007 and consequent delay of five months in bringing the LRs on record, the entire appeal has abated since the interest of all the appellants in the appeal is common.
- 4) According to us, the above-mentioned delay is not fatal and judgments of this Court have repeatedly held that in cases of abatement, leniency and not stringency is the rule.
- 5) Accordingly, we set aside the impugned judgment and condone the delay. As a result, the LRs are to be brought on record and the appeal is to be set down for hearing on merits.
- 6) The appeal is allowed in the aforesaid terms.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
October 09, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 17130/2009

(Arising out of impugned final judgment and order dated 18-02-2009 in SBCMA No. 1151/1997 passed by the High Court Of Judicature For Rajasthan At Jaipur)

BHONRI LAL (D) BY LRS.

Petitioner(s)

VERSUS

SUSHILA DEVI & ORS.

Respondent(s)

Date : 09-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAULFor Petitioner(s) Mr. Anuj Bhandari, Adv.
Mr. Sarad Kumar Singhania, AOR

For Respondent(s) Mr. Ajay Choudhary, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

(R. NATARAJAN)
COURT MASTER(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)