

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2795 OF 2008  
[ARISING OUT OF S.L.P.(C) NO. 22757 OF 2004)

STATE OF BIHAR  
...APPELLANT

VERSUS

DIKSHA SINGH & OTHERS  
...RESPONDENTS

WITH

CIVIL APPEAL NO. 2796 OF 2008  
[ARISING OUT OF S.L.P.(C) NO. 3259 OF 2005)

STATE OF BIHAR  
APPELLANT

...

VERSUS

RAM TAHAL SINGH & OTHERS

...RESPONDENTS

ORDE R

Delay condoned.

Leave granted.

Despite service of notice, neither the respondents are present nor have they entered appearance through their counsel.

First Appeal Nos. 63 of 2001 and 730 of 1991, filed by the appellant-State of Bihar, before the High Court were dismissed on the ground of limitation as there was a delay of three months and five days respectively in filing the said appeals.

We find that there was a sufficient cause for not filing the aforementioned appeals within the period of

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limitation. The High Court has failed to see the basic principle that as far as possible, the parties should be given opportunity to contest the matter on merits and delay should not be condoned if there is a deliberate inaction on the part of the parties for not filing the appeals in time to protract the litigation. We do not find any such infirmity on the part of the appellant-State of Bihar.

That being the case, we condone the delay in filing First Appeal  
Nos. 63 of 2001 and 730 of 1991. The aforementioned First  
Appeals are restored to their original numbers. The appeals shall  
be listed before the High Court for admission on merits.

The appeals stand disposed of accordingly.

.....J.  
[ P.P. NAOLEKAR ]

.....J.  
[ V.S. SIRPURKAR ]

NEW DELHI  
APRIL 11, 2008

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ITEM NO.37

COURT NO.11

SECTION XVI

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).22757/2004

(From the judgement and order dated 24.6.2004 in FA No.63/2001 in FA No.  
63/2001 of The HIGH COURT OF BIHAR AT PATNA)

STATE OF BIHAR

Petitioner(s)

VERSUS

DIKSHA SINGH & ORS.

Respondent(s)

(With prayer for interim relief )

WITH

SLP(C) NO. 3259 OF 2005

(WITH APPLN. FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

Date: 11/04/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P.P. NAOLEKAR  
HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr. Anukul Raj, Adv.for  
Mr.Gopal Singh, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Delay condoned.

Leave granted.

Appeals are allowed in terms of signed order.

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(Pardeep Kumar)  
Court Master

(Neeru Bala Vij)  
Court Master

[SINGED ORDER IS PLACED ON THE FILE ]