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SLP(C)No. 1301 OF 2002  
ITEM No.26

Court No. 4

SECTION XIIA  
A/N MATTER

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 (Civil) No.1301/2002

(From the judgement and order dated 12/07/2001 in CRP 2423/01  
of The HIGH COURT OF A.P AT HYDERABAD)

ITTIREDDY JANARDHAN REDDY & ANR.

Petitioner (s)

VERSUS

ITTIREDDY MALLAREDDY

Respondent (s)

(With prayer for interim relief and Office Report)

Date : 06/09/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s) Mr. R. Santhana Krishnan, Adv.  
Mr. D. Mahesh Babu, Adv.

For Respondent (s) Mrs.D. Bharathi Reddy,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.....R  
.SP2

Leave granted.  
The appeal is allowed in terms of the signed order.

.SP1

(A.S. Bisht)  
Court Master

(Janki Bhatia)  
Court Master

(Signed order is placed on the file)

..L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....J  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5641 OF 2002@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE  
(Arising out of SLP(C) No.1301 of 2002)

ITTIREDDY JANARDHAN REDDY & ANR. PETITIONER(S)

:VERSUS:

ITTIREDDY MALLAREDDY RESPONDENT(S)

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

.SP2

Leave granted.

Heard the learned counsel for the parties.

In our view, for the grounds mentioned in the application, the trial court ought to have condoned the delay of 62 days in filing I.A.No.30/01 for restoration of I.A. 209/2000. Hence, the order passed by the trial court as well as the impugned order passed by the High Court on 12.7.2001, in Civil Revision Petition No.2423/2001 requires to be set aside.

In the result, the appeal is allowed. The order passed by the trial Court rejecting the application for condonation of delay and the order passed by the High Court dismissing the revision application are set aside. The appellant to pay costs of Rs.10,000/- to the respondent within two months from today.

.SP1

.....J~  
( M.B. SHAH )@@  
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.....J  
( D.M. DHARMADHIKARI )@@  
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New Delhi;

September 06, 2002.