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SLP(C)No. 202 OF 2001

ITEM No.35

Court No. 6

SECTION XII  
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.202/2001

(From the judgement and order dated 13/10/2000 in CRP 2770/00  
of The HIGH COURT OF MADRAS)

T.P. RAMAN

Petitioner (s)

VERSUS

S.S. RAMA KOTI

Respondent (s)

( With prayer for interim relief )  
( With office report )

Date : 24/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr.Sudhir Kulshreshtha,Adv.(SCLSC)

For Respondent (s) Mr. K.V. Vijayakumar,Adv.

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

Leave granted.

The appeal is allowed. There shall be no  
order as to costs.

.SP1

(Alka Dudeja)  
Court Master

(S. Krishnan)  
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5672 OF 2001@@  
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(Arising out of S.L.P.(C) No. 202/2001)

T.P. Raman ... Appellant

Vs.

S.S. Rama Koti ... Respondent

O R D E R@@  
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.SP2

Leave granted.

The respondent is the landlord. He filed a petition for eviction of the appellant herein from the premises in dispute. The said petition was dismissed. However, appeal against the said judgment was allowed ex-parte. The appellant herein moved an application for setting aside an ex-parte order alongwith the application for condonation of delay. The delay was of three months in moving the application. The application for condonation of delay was rejected. Consequently, the application was also rejected. The appellant thereafter filed a revision, which was also dismissed by the High Court. It is against the said judgment, the appellant has filed this appeal.

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We have heard counsel for the parties and perused the record. We are satisfied that the appellant herein has made out sufficient cause for condonation of delay. We, accordingly, condone the delay and set aside the judgment of the High Court as well as of the first appellate court and direct the first appellate court to consider the application for setting aside the ex-parte order.

The appeal is allowed. There shall be no order as to costs.

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.....J.  
(V.N. KHARE)

.....J.  
(B.N. AGRAWAL)

NEW DELHI  
AUGUST 24, 2001.