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SLP(C)No. 161 OF 2002

ITEM No.207

Court No. 3

SECTION XIIA  
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.161/2002

(From the judgement and order dated 21/08/2001 in CMP 10497/01  
of The HIGH COURT OF A.P AT HYDERABAD)

A.P. STATE ROAD TRANSPORT CORP. & ANR.

Petitioner (s)

VERSUS

R. NAGAMANI & ORS.

Respondent (s)

( With prayer for interim relief )  
( With office report )  
( For Final Disposal )

Date : 03/05/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. GRK Prasad, Adv.  
Mr. KC Sudershan, Adv.

For Respondent (s)

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
Heard counsel for few minutes.

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. 3294 OF 2002@@  
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(Arising out of S.L.P.(C) No. 161 of 2002)

A.P. STATE ROAD TRANSPORT CORP. & ANR. ... Appellant (s)

VERSUS

R. NAGAMANI & ORS. ... Respondent (s)

O R D E R@@  
CCCCCCCC

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

Leave granted.

This Court while entertaining the special leave petition, passed the following order on 18th January, 2002:

.....L.....I.....T.....T.....T.....J  
.SP1

"Issue notice confined to the question why the case may not be remanded to the High Court after condoning the delay.

In the meantime, the petitioner shall deposit half of the decretal amount in the High Court. In case, the amount is deposited, it will be open to the respondents to withdraw the amount without furnishing any security."

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

Despite service of notice, none appears on behalf of the respondents. We, therefore, proceed to decide the matter in the absence of the respondents.

...2/-

Against the award, the appellants herein filed an appeal, which was barred by 116 days. The appellants moved an application for condonation of delay. The said application was rejected by the High Court. Consequently, the miscellaneous appeal also stood dismissed. It is against the said judgment the appellants have filed this appeal by way of special leave petition.

We have heard counsel for the appellants and perused the record. We are satisfied that the appellants have made out sufficient cause for condonation of delay before the High Court. We, therefore, set aside the order and judgment under challenge and send the matter back to the High Court after condoning the delay with the direction to decide the appeal on merits.

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

.....L.....I.....T.....T..T....T.....T.....T.....J  
.SP1

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

.....J.  
(ASHOK BHAN)

NEW DELHI  
MAY 03, 2002.