

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(s).21018/2010

(From the judgement and order dated 20/04/2010 in CRP No.  
5040/2008 of The HIGH COURT OF A.P AT HYDERABAD)

M.A.RAZACK & ANR

Petitioner(s)

VERSUS

LEELA BAI & ORS.

Respondent(s)

(With prayer for interim relief and office report )

Date: 05/01/2011            This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr.    S.B. Sanyal, Sr.Adv.  
Mr.    D. Bharat Kumar, Adv.  
Mr.    Balasubrahmanyam Kamarsu, Adv.  
Mr.    Abhijit Sengupta,Adv.

For Respondent(s)

Mr.    Bina Madhavan, Adv.  
Mr.    Krishna Kumar Singh, Adv.  
Mr.    Karan Kanwal, Adv.  
For    M/S. Lawyer'S Knit & Co,Adv.

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

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

(Sukhbir Paul Kaur)  
Court Master

(Renuka Sadana)  
Court Master

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.126 OF 2011  
(Arising out of S.L.P.(C) No.21018 of 2010)

M.A. RAZACK AND ANR.

Appellant(s)

Versus

LEELA BAI AND ORS.

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted.

The High Court and the First Appellate Court, in our considered opinion, have taken a hyper technical view in the matter and refused to condone the delay of 61 days in refiling the appeal. The affidavit filed by the appellants shows sufficient cause to condone the delay of 61 days in refiling the appeal. The delay in refiling the appeal is accordingly, condoned.

The impugned order passed by the High Court and the First Appellate Court are set aside and the appeal is restored to its original number to be decided by the First Appellate Court on merits, in accordance with law.

The appeal is accordingly, allowed.

.....J.  
(B.SUDERSHAN REDDY)

.....J.  
(SURINDER SINGH NIJJAR)

New Delhi,  
January 05, 2011