

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(s).20529/2009

(From the judgement and order dated 27/04/2009 in RSA No. 4079/2008 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAM MEHAR & ORS. Petitioner(s)

VERSUS

SAJJANO DEVI & ORS. Respondent(s)

(With office report)

Date: 18/07/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Debasis Misra,Adv.

For Respondent(s)

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

Leave granted. Heard.

In terms of the signed order, this appeal is allowed, the order of the High Court is set aside and the Second Appeal is restored to the file. Delay in filing and refiling second appeal is condoned. The High Court will now consider and dispose of the second appeal in accordance with law.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5771 OF 2011
[Arising out of SLP(C) No.20529/2009]

Ram Mehar & Ors.Appellants

Versus

Sajjano Devi & Ors.Respondents

O R D E R

Leave granted. Heard.

2. The defendant in a suit for declaration of title is the appellant before us. The trial Court had decreed the suit filed by the respondent and the first appellate Court had dismissed the appeal filed by the appellant. The appellant, therefore, filed a second appeal before the High Court on 14.3.2008. The Registry returned the second appeal on 26.4.2008 and the appeal was refiled on 24.5.2008. The Registry again returned the file with objections on 24.7.2008 and it was refiled on 14.11.2008. There was a delay of 1 day in filing the second appeal and a delay of 162 days in refiling. The High Court by the impugned judgment dated 27.4.2009 has dismissed the second appeal on the ground of delay in filing and refiling the appeal.

3. We find that the appellants have explained the delay in filing the appeal as also in refiling the appeal. It is evident that slight delay in the filing2.

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and delay in refiling was for the reasons duly and sufficiently explained and as sufficient cause was shown, the High Court ought to have condoned the delay.

4. We, therefore, allow this appeal, set aside the order of the High Court and restore the Second Appeal to the file. Delay in filing and refiling second appeal is condoned. The High Court will now consider and dispose of the second appeal in accordance with law.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
July 18, 2011.

.....J.
(A.K. PATNAIK)