

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).28203/2009

(From the judgement and order dated 03/02/2009 in RSA No. 4119/2006 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SHIV KUMAR & ORS.

Petitioner(s)

VERSUS

BAL KISHAN & 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)

Ms. Shalu Sharma, Adv.

For Respondent(s)

Mr.    Brijender Chahar, Sr. Adv.  
Mr.    K.R. Anand, Adv.  
Ms.    Jyoti Chahar, Adv.  
Mr.    Vinay Garg, 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.123 OF 2011  
(Arising out of S.L.P.(C) No.28203 of 2009)

SHIV KUMAR AND ORS.

Appellant(s)

Versus

BAL KISHAN AND ORS.

Respondent(s)

O R D E R

We have heard learned counsel for the appellants as well as learned senior counsel for the respondents.

Leave granted.

In our considered opinion, the High Court erred in rejecting the application filed by the appellants herein seeking condonation of delay of 105 days in refiling the R.S.A. The affidavit filed by the appellants herein shows sufficient cause to condone the delay of 105 days in refiling the R.S.A. The delay in refiling the R.S.A. is accordingly, condoned.

The impugned order is accordingly, set aside.

We request the High Court to restore the R.S.A. to its original number and for its hearing and dispose it of on its own merits in accordance with law.

This appeal is accordingly, allowed.

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

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

New Delhi,  
January 05, 2011