

ITEM NO.24

COURT NO.11

SECTION IVA

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).28346-
28347/2010

(From the judgement and order dated 05/08/2010 in IA No. 3229/2006
& IA No. 3230/2006 in FA No. 238/1997 of The HIGH COURT OF
CHATTISGARH AT BILASPUR)

GULAM MOHD @ KALLU & ORS.

Petitioner(s)

VERSUS

AMRIT LAL KACHHWAHA & ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer for
interim relief)

Date: 22/10/2010

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr. Anis Ahmed Khan, Adv.
Mr. Shoaib Ahmad Khan, Adv.

For Respondent(s)

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

These petitions are directed against the order passed by the
learned Single Judge of the Chhattisgarh High Court in I.A. Nos.
3229/2006 and 3230/2006 whereby he condoned the delay in filing of
application for setting aside the abatement of the first appeal
and set aside the abatement with permission to the applicants to
bring on record the legal representatives of deceased respondent
No.2.

We have heard learned counsel for the petitioners and
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carefully perused the record.

In our view, the discretion exercised by the High Court to
condone the delay and set aside the abatement does not suffer from
any legal infirmity warranting interference under Article 136 of
the Constitution.

The special leave petitions are accordingly dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master