

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_ OF 2024  
(ARISING OUT OF S.L.P. (CIVIL) NO. 2885/2023)

PARWATI DEVI

APPELLANT(S)

VERSUS

RAJMANI (D) THR LRS. & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel appearing for the appellant and learned counsel appearing for the legal representatives of respondent no.1.
3. In the suit filed by original respondent no.1, ex-parte decree was passed on 7<sup>th</sup> December, 1998. An application was made by the appellant for setting aside the ex-parte decree on 16<sup>th</sup> February, 1999. There was a delay of few days in filing the application for setting aside ex-parte decree. The Trial Court rejected the application for condonation of delay and consequently, the application for setting aside ex-parte decree.
4. Being aggrieved by the said order, an appeal was preferred before the High Court. The appeal was dismissed by the impugned order.

5. After having perused paragraph 2 of the impugned judgment and after hearing the parties, we are of the view that the Trial Court ought to have adopted a justice oriented and liberal approach by condoning the delay of few days.

6. Accordingly, the impugned judgment and order dated 20<sup>th</sup> December, 2022 passed by the High Court and order dated 8<sup>th</sup> July, 2005 passed by the First Additional District Judge, Sidhi (M.P.) in MCC No.23/2000 are hereby quashed and set aside and the delay in filing the application under Order IX Rule 13 of the Code of Civil Procedure, 1908 is condoned.

7. We direct the First Additional District Judge, Sidhi (M.P.) to decide the main application for setting aside ex-parte decree as expeditiously as possible in accordance with law.

8. The appeal is accordingly allowed.

9. Pending applications stand disposed of.

.....J.  
(ABHAY S.OKA)

.....J.  
(AUGUSTINE GEORGE MASIH)

NEW DELHI;  
AUGUST 12, 2024.

ITEM NO.50

COURT NO.6

REVISED QUA APPEARANCE  
SECTION IV-C

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 for Special Leave to Appeal (C) No.2885/2023

(Arising out of impugned final judgment and order dated 20-12-2022 in MA No. 2789/2005 passed by the High Court Of M.P Principal Seat At Jabalpur)

PARWATI DEVI

Petitioner(s)

VERSUS

RAJMANI & ORS.

Respondent(s)

(IA No. 27084/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 27085/2023 - EXEMPTION FROM FILING O.T.)

Date : 12-08-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Sanjay Singh, Adv.  
Ms. Somitra Saran, Adv.  
Mr. Umang Shankar, AOR

For Respondent(s) Mr. Mukesh Kumar, AOR

Mr. R.C.Mishra, Sr. Adv.  
Mr. Mahendra Kumar, Adv.  
Mr. Rajnish Kumar Jha, AOR  
Mr. Ilin Saraswat, Adv.  
Mr. Ananya Mishra, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)  
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)  
COURT MASTER (NSH)

[Signed order is placed on the file]

ITEM NO.50

COURT NO.6

SECTION IV-C

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[Signed order is placed on the file]