

ITEM NO.38

COURT NO.13

SECTION IX

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 (C) No(s). 11820/2018

(Arising out of impugned final judgment and order dated 21-12-2017 in MCA No. 276/2017 passed by the High Court Of Judicature At Bombay At Goa)

RUKSHANA GULAB HUSSAIN

Petitioner(s)

VERSUS

SHAMSHUDDIN SHAIKH

Respondent(s)

Date : 08-01-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Ms. Mukti Chowdhary, AOR

For Respondent(s) Ms. Nidhi, AOR
Mr. Vaisal Dathan, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(GULSHAN KUMAR ARORA)
COURT MASTER

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.000093 OF 2020
(Arising out of SLP (C) No.11820 of 2018)

RUKSHANA GULAB HUSSAIN

... Appellant

VERSUS

SHAMSHUDDIN SHAIKH

... Respondent

O R D E R

Leave granted.

The High Court has dismissed the second appeal on the ground of delay of 532 days.

We are of the opinion that a lenient view could have been taken under the facts and circumstances of this case. Accordingly, the impugned order is set aside. Application for condonation of delay filed before the High Court stands allowed subject to payment of costs to the tune of Rs.25,000/- to be deposited before the High Court within four weeks from today. The second appeal is restored to the file of the High Court. The High Court shall disburse the amount of costs to be paid by the petitioner in favour of the respondent before it. It is open for the parties to approach the High Court for early disposal of the case on merits.

The appeal is, accordingly, disposed of.

....., J.
(Mohan M. Shantanagoudar)

....., J.
(R. Subhash Reddy)

New Delhi;
January 08, 2020.