

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) 5216 OF 2017
[@Special Leave Petition (C) 13655 OF 2015]

M.P. HOUSING AND INFRASTRUCTURE DEVELOPMENT BOARD Respondent(s)

VERSUS

PRABHULAL

Respondent(s)

O R D E R

1. Leave granted.
2. The Writ petition filed before the High Court was dismissed as the defects were not cured within the period granted by the High Court.
3. Restoration application was filed which was also dismissed as there was a delay of 443 days.
4. A litigant cannot suffer for the fault of his counsel. In the interest of justice, we direct restoration of the Writ Petition before the High Court subject to payment of cost of Rs. 10,000/- to the respondent and to make the compliance within a period of six weeks from today.
5. With the aforesaid direction, we set aside the impugned order and allow the appeal.

.....J
(ARUN MISHRA)

.....J
(AMITAVA ROY)

NEW DELHI;
APRIL 13, 2017.

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 (C) No(s).13655/2015

(Arising out of impugned final judgment and order dated 02/03/2015 in MCC No. 139/2015 passed by the High Court Of M.P. at Indore)

M.P. HOUSING AND INFRASTRUCTURE DEVELOPMENT BOARD Petitioner(s)

VERSUS

PRABHULAL

Respondent(s)

(With appln. (s) for permission to place addl. documents on record and interim relief and office report)

Date : 13/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Pramod Dayal, Adv.
Mr. Nikunj Dayal, Adv.
Ms. Payal Dayal, Adv.
Mr. Siddharth Vikram, Adv.

For Respondent(s)

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.

(B.Parvathi)
Court Master

(Tapan Kr. Chakraborty)
Court Master

(Signed order is placed on the file)