

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.82 OF 2020  
(Arising out of S.L.P.(Civil)No.17738 of 2019)

HARIOM & ORS. ...Appellants

Vs.

JAGRAJ SINGH & ORS. ...Respondents

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. The First Appeal filed by the appellants against the judgment and decree dated 24th January, 2017 was filed after a delay of 100 days, which delay was condoned by the Additional District Judge, Guna vide order dated 8th December, 2017. The Revision Petition filed by the respondents against the said order was allowed by the Madhya Pradesh High Court, Gwalior Bench in terms of the impugned order dated 27th February, 2019 on the ground that the delay was not liable to be condoned.
4. We are not able to agree with the findings of the impugned order more so in exercise of revisionary power against the order passed by the first Appellate Court for condoning the delay of 100 days. At best cost would have been the appropriate option for such delay in filing.

5. We thus set aside the impugned order and direct the First Appeal of the appellants to be decided on merits subject to payment of cost of Rs.7,500/- (Rupees seven thousand five hundred) to be paid to the respondents before us within four weeks from today. The appeal is accordingly allowed leaving the parties to bear their own costs.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[K.M.JOSEPH]

New Delhi;  
January 8, 2020.

ITEM NO.40

COURT NO.12

SECTION IV-A

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). 17738/2019

(Arising out of impugned final judgment and order dated 27-02-2019 in CR No. 26/2018 passed by the High Court of M.P at Gwalior)

HARIOM &amp; ORS.

Petitioner(s)

VERSUS

JAGRAJ SINGH &amp; ORS.

Respondent(s)

(IA No. 100813/2019 - EXEMPTION FROM FILING O.T.)

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

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Prashant Shukla, Adv.  
Ms. Pratibha Yadav, Adv.  
Mr. Arsh Dhanotia, Adv.  
Ms. Anushree Shukla, Adv.  
Mr. Abhinav Ramkrishna, AOR

For Respondent(s) Mr. Manohar Singh Bakshi, Adv.  
Mr. Lakhbir Singh, Adv.  
Ms. Archana Midha, Adv.  
Mr. K.G. Bhagat, Adv.  
Mr. Ranjit Kumar Sharma, AOR

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

Heard learned counsel for the parties.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application shall also stand disposed of.

(ANITA MALHOTRA)  
COURT MASTER

(ANITA RANI AHUJA)  
COURT MASTER

(Signed order is placed on the file.)