

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). 20404/2017

(Arising out of impugned final judgment and order dated 28-06-2017 in CLMA No. 4534/2017 in Civil Revision No. 31 of 2017 passed by the High Court Of Uttarakhand At Nainital)

HAR MOHINDER PAL SINGH

Petitioner(s)

VERSUS

RAJENDRA PAL SINGH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.71623/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.71625/2017-EXEMPTION FROM FILING O.T.)

Date : 03-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHANFor Petitioner(s) Mr. S.C. Maheshwari, Sr.Adv.
Mr. H.C. Kharbanda,Adv.
Mr. Jabar Singh,Adv.
Mr. Nikhar Berry,Adv.
For M/S. V. Maheshwari & Co., AOR

For Respondent(s)

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

The appeal is allowed in terms of the signed order.

(KUSUM LATA SYAL)
SENIOR PERSONAL ASSISTANT(MALA KUMARI SHARMA)
BRANCH OFFICER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.18060 OF 2017
(Arising out of SLP(C) No. 20404 OF 2017)

HAR MOHINDER PAL SINGH

...APPELLANT

VERSUS

RAJEMDRA PAL SINGH

...RESPONDENT

O R D E R

Leave granted.

None has appeared on behalf of the respondent.

In the circumstances, we have heard learned counsel appearing for the appellant.

The appellant has filed an application under Order XV Rule 5 of the Code of Civil Procedure, 1908 which was dismissed by the trial court. The appellant has filed a revision petition. Since there was delay of 254 days in filing the revision petition, application for condonation of delay has also been filed. The High Court has rejected the application for condonation of delay and as a consequence dismissed the revision petition filed by the appellant.

After going through the matter, we are of the opinion that the appellant has given sufficient reason for condonation of delay in filing the revision petition and therefore delay should have been condoned and revision petition should have also been heard. Accordingly, this appeal is allowed and impugned order dated 28.6.2017 passed by the High Court is set aside. Delay in filing the revision petition (C) No. 31 of 2017 is condoned. The matter is remitted back to the High Court to decide further revision on merit.

.....J
(A.K. SIKRI)

.....J
(ASHOK BHUSHAN)

New Delhi
Dated November 3, 2017