

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2019
[@ SPECIAL LEAVE PETITION (C) NO. 27181 OF 2017]

RABILAL HEMBRAM & ORS.

Appellant (s)

VERSUS

RAMDAS HEMBRAM & ORS.

Respondent(s)

O R D E R

Leave granted.

The case was dismissed due to non-compliance of the peremptory order. The High Court has adopted a hypertechnical approach in not restoring the case. It was the fault of the counsel who appeared in the High Court for which, litigant cannot be made to suffer.

Thus, the impugned order passed by the High Court is set aside and the appeal is allowed to the above extent.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[ARUN MISHRA]

.....J.
[M. R. SHAH]

.....J.
[AJAY RASTOGI]

New Delhi;
August 13, 2019.

ITEM NO.49

COURT NO.3

SECTION XVII

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). 27181/2017

(Arising out of impugned final judgment and order dated 22-04-2016 in CMP No. 110/2014 passed by the High Court Of Jharkhand At Ranchi)

RABILAL HEMBRAM & ORS.

Petitioner(s)

VERSUS

RAMDAS HEMBRAM & ORS.

Respondent(s)

Date : 13-08-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Arup Banerjee, AOR
Mr. Vaishali Sharma, Adv.

For Respondent(s) Mr. Santosh Kumar Pandey, Adv.

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

Leave granted.

The appeal is allowed to the extent indicated in the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)