

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 3906 OF 2019  
(Arising out of SLP(C) 28971/2015)

RAVI @ MAULIK KANAIYALAL THAKKAR Appellant(s)

VERSUS

PARSHOTTAM SIDIBHAI BRAHMAN & ORS. Respondent(s)

WITH

CIVIL APPEAL NO(S). 3907 OF 2019  
(Arising out of SLP(C) No. 28972/2015)

CIVIL APPEAL NO(S). 3908 OF 2019  
(Arising out of SLP(C) No. 29876/2015)

CIVIL APPEAL NO(S). 3909 OF 2019  
(Arising out of SLP(C) No. 29877/2015)

O R D E R

C.A. @ SLP(C) 28971/2015

Leave granted.

The High Court of Gujarat dismissed a First Appeal on 27 November 2013 in default. An application for restoration was filed with a delay of 52 days. By the impugned order dated 8 August 2014, the High Court has declined to condone the delay.

In pursuance of the notice issued by this Court on 24 September 2015, the learned counsel for the third respondent has appeared. The office report indicates that service is complete.

We are of the view that the High Court has adopted an unduly technical view of the matter. The delay should have been condoned. Sufficient cause has been shown for the delay.

We accordingly, allow the appeal and set aside the impugned order of the High Court. In consequence, we condone the delay in filing the application for restoration.

Since the First Appeal was dismissed in default due to the absence of the learned counsel, we restore the First Appeal to the file of the High Court for disposal on merits.

The appeal is allowed in the above terms. There shall be no order as to costs.

Pending application(s), if any, shall stand disposed of.

C.A.@ SLP(C) 28972/2015, C.A.@ SLP(C) 29876/2015 and C.A.@ SLP(C) 29877/2015

Leave granted.

The appeals are disposed of in terms of the observations made in the companion matter i.e. C.A. @ SLP(C) No. 28971/2015 today.

Pending application(s), if any, shall stand disposed of.

.....J.  
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.  
(HEMANT GUPTA)

NEW DELHI  
APRIL 12, 2019

ITEM NO.41

COURT NO.11

SECTION III

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). 28971/2015

(Arising out of impugned final judgment and order dated 08-08-2014 in CA No. 2873/2014 08-08-2014 in MCA No. 575/2014 passed by the High Court Of Gujarat At Ahmedabad)

RAVI @ MAULIK KANAIYALAL THAKKAR

Petitioner(s)

VERSUS

PARSHOTTAM SIDIBHAI BRAHMAN &amp; ORS.

Respondent(s)

WITH

SLP(C) No. 28972/2015 (III)

SLP(C) No. 29876/2015 (III)

SLP(C) No. 29877/2015 (III)

Date : 12-04-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)

Ms. Savita Devi, Adv.  
Ms. Mamta Rani, Adv.  
Ms. Manju Jetley, AOR

For Respondent(s)

Mr. Sanjay Kumar Dubey, AOR  
Ms. Shuchi Singh, Adv.  
Mr. Krishna Kant Dubey, Adv.

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

C.A. @ SLP(C) 28971/2015

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

C.A.@ SLP(C) 28972/2015, C.A.@ SLP(C) 29876/2015 and C.A.@ SLP(C) 29877/2015

Leave granted.

The appeals are disposed of in terms of the observations made in the companion matter i.e. C.A. @ SLP(C) No. 28971/2015 today.

Pending application(s), if any, shall stand disposed of.

(MANISH SETHI)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER

(Signed order is placed on the file)