

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.257 OF 2017
(@ SPECIAL LEAVE PETITION (CIVIL) NO.864/2017 @
CC NO.25128 OF 2016)

HARDWAR SINGH

...APPELLANT(S)

VERSUS

THE STATE OF WEST BENGAL AND ORS

...RESPONDENT(S)

O R D E R

Heard.

Delay condoned.

Substitution allowed.

Leave granted.

We are of the view that having regard to the facts and circumstances of the case, the High Court ought to have considered it on merits. Accordingly, we set aside the impugned order and remand the matter to the High Court for fresh consideration in accordance with law. The appellant is directed to appear before the High Court for further proceedings on 7th February, 2017.

We have not considered it appropriate to issue notice to the respondents as the matter involves condonation of delay only. If aggrieved, respondents are at liberty to move this Court.

The appeal is, accordingly, disposed of. No costs.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
6TH JANUARY, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.28

COURT NO.11

SECTION XVI

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).....CC No(s).
25128/2016

(Arising out of impugned final judgment and order dated 16/12/2013
in MAT No. 1190/2013 16/12/2013 in CAN No. 8766/2013 passed by the
High Court Of Calcutta)

HARDWAR SINGH

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL AND ORS Respondent(s)
(With appln. (s) for c/delay in filing SLP and c/delay in refiling
SLP, delay in filing substitution and substitution and office
report)

Date : 06/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. S.L. Gupta,Adv.
Mr. N.N. Bain,Adv.
Mr. K.L. Mondal,Adv.
Mr. Kuldeep Singh Tomar,Adv.
Mr. R.K. Gupta,Adv.
Mr. Mohd. Shahid Hussain,Adv.
Mr. K. Thakurata,Adv.
Mr. Varinder Kumar Sharma,Adv.

For Respondent(s)

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

Heard.

Delay condoned.

Substitution allowed.

Leave granted.

The appeal is disposed of in terms of the
signed order.

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Veena Khera)
Court Master