

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2021
(Arising out of SLP(C)No. 2615 of 2021)

RAMCHANDRA R. BHUTE (SINCE DECEASED)
THR. LEGAL HEIRS

Appellant(s)

VERSUS

GOVIND KABRA BHADRICHA

Respondent(s)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 11.01.2021 passed by the High Court of Judicature at Bombay in Civil Revision Application (ST) No. 33337 of 2018.

Heard learned counsel for the parties.

The only question in this appeal is whether the High Court was justified in rejecting the application for condonation of delay in filing the appeal due to the grounds stated by the appellant, being sufficient cause for delay.

In our opinion, in the peculiar facts of the present case, the High Court ought to have shown indulgence to the appellant to pursue remedy of revision application against the judgment of the First Appellate Court, as it is not in dispute that the appellant had succeeded before the Trial Court.

Suffice it to observe that in the peculiar facts of the present case and taking overall view of the matter, we are inclined to allow this appeal by setting aside the impugned judgment and order and allowing the application for condonation of delay in filing the revision application. As a result, the revision application shall stand restored to the file of the High Court, to be decided on its own merits and in accordance with law.

All contentions available to the parties are left open.

The parties may appear before the High Court on 19.03.2021.

We request the High Court to decide the revision application expeditiously, on its own merits and in accordance with law, considering the age factor of the appellant.

The appeal is disposed of in the above terms.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(DINESH MAHESHWARI)

New Delhi
February 19, 2021

ITEM NO.11 Court 5 (Video Conferencing) SECTION IX

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). 2615/2021

(Arising out of impugned final judgment and order dated 11-01-2021 in CA No. 139/2019 passed by the High Court Of Judicature At Bombay)

RAMCHANDRA R. BHUTE (SINCE DECEASED) THR. LEGAL HEIRSPetitioner(s)

VERSUS

GOVIND KABRA BHADRICHA Respondent(s)

(IA No.20270/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 19-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Amol Chitale, Adv.
Mrs. Pragya Baghel, AOR

For Respondent(s)

Mr. Satyajit A Desai, Adv.
Ms. Anagha S. Desai, AOR
Mr. Satya Kam Sharma, Adv.

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

Leave granted.

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

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]