

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No 2817 of 2020
(Arising out of SLP(C) No 3772 of 2020)

**The Society of Trustees of Indigenous
Churches in India**

Appellant(s)

Versus

**The Indigenous Churches in India Trust
and Others**

Respondent(s)

ORDER

1 Leave granted.

2 This appeal arises from an order dated 8 November 2019 of the High Court of Andhra Pradesh, affirming an order of the trial court refusing to condone a delay of nine days in filing an application for the restoration of a suit which was dismissed in default.

3 OS No 412 of 2015 has been instituted by the appellant on 9 November 2015, for a permanent injunction restraining the first respondent from interfering with the properties claimed by the appellant. The suit was dismissed in default on 23 October 2018. The appellant filed an application on 28 November 2018, seeking a condonation of delay of nine days in filing the application for restoration of the suit. This was dismissed by the trial court by an order dated 8 April 2019. The order of the trial court was upheld by the High Court in revision on 29 April 2019.

4 Having heard learned counsel appearing on behalf of the contesting parties, we are of the view that it was both appropriate and in the interest of justice that the delay of nine days should be condoned. We accordingly allow the appeal and set aside the impugned judgment and order of the High Court dated 29 April 2019 declining to condone the delay and, in consequence, dismissing the application for restoration. The application for condonation shall stand allowed. We order and direct that OS No 412 of 2015 shall stand restored to the file of the Additional Junior Civil Judge, Tenali, District Guntur. The appeal is allowed in the above terms.

5 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indu Malhotra]

.....J.
[K.M. Joseph]

**New Delhi;
July 27, 2020**

ITEM NO.19

Court 4 (VC)

SECTION XII-A

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.3772/2020

(Arising out of impugned final judgment and order dated 08-11-2019 in CRP No. 1256/2019 passed by the High Court of Andhra Pradesh at Amravati)

THE SOCIETY OF TRUSTEES OF INDIGENOUS
CHURCHES IN INDIA

Petitioner(s)

VERSUS

THE INDIGENOUS CHURCHES IN INDIA TRUST & ORS.

Respondent(s)

(With appln.(s) for interim relief and permission to file lengthy list of dates)

Date : 27-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Mr. Vivek Sharma, AOR

For Respondent(s)

Ms. E. R. Sumathy, AOR
Mr. Naga Srinivas Rao, Adv.
Ms. S. Spandana Reddy, Adv.

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

- 1 Leave granted.
- 2 The appeal is allowed in terms of the signed order.
- 3 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)