

ITEM NO.12

COURT NO.5

SECTION XI

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 43871/2019

(Arising out of impugned final judgment and order dated 27-02-2019 in WB No. 10253/1991 23-04-2019 in RA No. 4/2019 passed by the High Court Of Judicature At Allahabad)

KRISHNA GOPAL RAI &amp; ANR.

Petitioner(s)

VERSUS

D.D.C &amp; ORS.

Respondent(s)

(FOR ADMISSION and Interim Relief and  
IA No.12741/2020-CONDONATION OF DELAY IN FILING and  
IA No.12743/2020-EXEMPTION FROM FILING O.T. and  
IA No.12742/2020-CONDON.OF DELAY IN REFILING/CURING THE DEFECTS)

Date : 31-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. S.R. Singh, Sr. Adv.  
Mr. Anurag Kishore, AOR  
Ms. Diksha Khanna, Adv.

For Respondent(s)

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

Since the petitioners had filed review petition before the High Court, considering the averments made in the application(s) for condonation of delay, delay of 191 & 136 days in filing and 15 days in refiling the special leave petitions are condoned.

We have heard Mr. S.R. Singh, learned senior counsel appearing for the petitioners.

In view of the concurrent findings recorded by the courts below, we are not inclined to interfere with the impugned order(s).

The special leave petitions are accordingly disposed of.

The High Court while dismissing the Writ-B of 10253 of 1991 has made the following observations :

“In case, the petitioners have filed any objections under Section 9 of the Act, 1953 and the said objections are decided in favour of the petitioners, the petitioners would have a remedy under the Rules, 1954 read with Section 52(2) of the Act, 1953.”

We reiterate the above order of the High Court. It is open to the petitioners to pursue their objection petition if the same is filed under Section 9 of the Act and the same be considered by the concerned forum.

We make it clear that we have not expressed any observations on the merits of such objection petition.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
AR-cum-PS

(BEENA JOLLY)  
BRANCH OFFICER