

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9447 OF 2019
(Arising out of SLP(Civil) No.6238 of 2019)

PRAMEELA VARGHESE @ PRAMEELA Y.

APPELLANT(S)

VERSUS

ABRAHAM SAMUEL

RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal has been filed against the judgment of Kerala High Court dated 07.11.2018 in C.M. Application No.1/2018 in MJC No.305/2018 in RFA No.173/2006. There was 582 days delay in filing the MJC. The case was dismissed for non-prosecution on 27.01.2017. Application to readmit the appeal was filed on 28.09.2018 with delay of 582 days. The case taken in the application was that the appellant/applicant was not informed about dismissal of the case and when she received notice from the Execution Court on 25.06.2018, she came to know about the dismissal. Thereafter, she contacted the counsel and filed the application through another advocate. There was nothing on record to disbelieve the case taken by the

appellant nor any negligence was proved on the part of the appellant.

We are of the view that sufficient cause was made out for condoning the delay and readmitting the appeal. The appeal is allowed, the order dated 07.11.2018 is set aside. The CM Application is allowed, delay condoned. The appeal is revived in the file of the High Court which may be decided in accordance with law.

.....J.
(ASHOK BHUSHAN)

.....J.
(M.R. SHAH)

New Delhi;
December 16, 2019

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).6238/2019

(Arising out of impugned final judgment and order dated 07-11-2018 in MJC No. 305/2018 passed by the High Court Of Kerala At Ernakulam)

PRAMEELA VARGHESE@ PRAMEELA Y.

Petitioner(s)

VERSUS

ABRAHAM SAMUEL

Respondent(s)

Date : 16-12-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN

HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. M. S. Vishnu Sankar, Adv.
Mr. Sriram P., AOR
Ms. Athira G. Nair, Adv.

For Respondent(s)

Mr. P.N. Rasvindran, Sr. Adv.
Mr. Roy Abraham, Adv.
Ms. Reena Roy, Adv.
Ms. Seema Jain, Adv.
Mr. Akhil Abraham, Adv.
Mr. Himinder Lal, AORUPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)(RENU KAPOOR)
BRANCH OFFICER

(signed order is placed on the file)