

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL No.20865 OF 2017  
(Arising out of SLP(C)No.9821 of 2017)

K. K. UMESH KUMAR

.....APPELLANT

VERSUS

LIJJY & ORS.

.....RESPONDENTS

O R D E R

Leave granted.

The present appeal, by special leave, calls in question the legal propriety of the order dated 29.09.2015 passed by the Division Bench of the High Court of Karnataka at Bengaluru whereby it has declined to condone the delay of 753 days.

Having heard learned counsel for the parties and considering the grounds mentioned in the application for condonation of delay, and taking note of the grievance of the appellant, we think it appropriate that the High Court should have condoned the delay and disposed of the appeal on merits.

Resultantly, the appeal is allowed and the order passed by the High Court is set aside. The High Court is requested to dispose of the appeal on merits within six months hence. There shall be no order as to costs.

.....CJI.  
(DIPAK MISRA)

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

.....J.  
(Dr.D.Y.CHANDRACHUD)

NEW DELHI;  
DECEMBER 5, 2017.

ITEM NO.22

COURT NO.1

SECTION IV-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(s).9821/2017

(Arising out of impugned final judgment and order dated 29-09-2015 in MFA No.6470/2015 passed by the High Court of Karnataka at Bangalore)

K. K. UMESH KUMAR

Petitioner(s)

VERSUS

LIJJY &amp; ORS.

Respondent(s)

Date : 05-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Karunakar Mahalik, Adv.  
Mr.B.Vishwanath Bhandarkar, Adv.  
Mr.Priyang Nath Shukla, Adv.

For Respondent(s) Ms. Amrreeta Swaarup, AOR  
  
Mr. A. N. Arora, AOR  
  
Mr. E. C. Vidya Sagar, Adv.  
Mrs.Jenifer John, Adv.  
Mr.Subhash Chandra Sagar, Adv.

UPON 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. There shall be no order as to costs.

(Chetan Kumar )  
Court Master

(H.S.Parasher)  
Assistant Registrar

(Signed order is placed on the file)