

Sadik Mian and Another

Vs

Ram Dhyan Hajam and Others

Civil Appeal No. 1204 of 1981

(CJI Y.V. Chandrachud, R.S. Pathak, E.S. Venkataramiah JJ)

02.03.1981

ORDER

1. Heard counsel. Special leave granted.
2. We are unable to agree with the High Court that no sufficient cause was shown by the appellant for the delay caused in paying the Talbana and in making the application for condonation of delay caused in filing an application for restoration of the appeal. We are of the opinion that the High Court should have condoned the delay and should have heard the appeal on merits. Accordingly, we set aside the order passed by the High Court on November 21, 1978 and allow the applications M.J.C. No. 326 of 1978 and M.J.C. No. 350 of 1976. The appeal will go back to the High Court for disposal on merits in accordance with law.
3. The appellant will pay costs of the plaintiff-respondent, which we quantify at Rs 1000.

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