

SUPREME COURT OF INDIA

Jai Pal Singh

Vs.

Chief Settlement Commr.

C.A.No.488 of 2000

(S. P. Bharucha, S. S. M. Quadri and M. B. Shah, JJ.)

21.01.2000

ORDER

1. Leave granted.

2. The notice on the special leave petition stated that the matter might be disposed of at this stage by an order restoring the appeal to the file of the High Court to be heard and disposed of on merits, condoning the delay in filing it.

3. The delay was of about 170 days. The explanation relates to the illness of the mother of the appellants and the expenses incurred thereon. The High Court took the view that the delay had not been satisfactorily explained. It added that even on merits it did not find any ground to interfere. Learned counsel for the respondents submitted that all the grounds in the special leave petition were directed to the merits and there was no averment in regard to the refusal to condone the delay.

4. We do not think that, in the circumstances, that can be a reason to decline to pass the order that seems to us appropriate. We think that the appropriate course that the High Court should have passed and which we propose to do, was to condone the delay and make an order of costs in favour of the respondents.

5. Accordingly, the civil appeal is allowed. The order under appeal is set aside. Delay in filing the appeal before the High Court is condoned and the appeal (L.P.A. No. 202 of 1997) is restored to the file of the High Court to be heard and disposed of on merits.

6. The appellants shall pay to the respondents the costs of the appeal, quantified at Rupees five hundred only.

Order accordingly.