

SUPREME COURT OF INDIA

Chhabi Kulavi

Vs.

Ganesh Chandra Mondal

(M.B.Shah and S.N.Variava JJ.)

14.12.2000

JUDGEMENT

S. N. VARIAVA, J.

Leave granted. This Appeal is against an Order dated 6th March, 2000, wherein the Application for Condonation of Delay in filing an Appeal has been dismissed. Briefly stated the facts are as follows: The Respondent had filed a title suit against the Appellants. That suit came to be decreed ex-parte. Thereafter the Appellants filed an Appeal which was filed in the wrong Court and was ultimately transferred and filed in the right Court. But by then there was a delay of approximately 1/2 years. The Application for condonation of delay has been dismissed by the impugned Order. In our view, there was sufficient cause for the delay. The Appellant's husband was ill and became blind.

Thereafter, it is the Advocate who has filed the Appeal in the wrong Court. For these causes the Appellants cannot be blamed. We, therefore, condone the delay in filing the Appeal. The High Court shall number the Appeal, if not already numbered and take it up for final hearing. We request the High Court to dispose off the Appeal on merits as expeditiously as possible and preferably within a period of six months. This Appeal stand disposed off as above.

