

SUPREME COURT OF INDIA

Hanmavva

Vs.

Pettiya

C.A.No.4981 of 2008

(R.V. Raveendran J.)

11.08.2008

ORDER

1. Leave granted. Heard both the counsel.
2. The Appellants had filed the Second Appeal before the High Court challenging the order of the Addl. Civil Judge (Sr. Division), Raichur in R.A.No.43/1999. The Second Appeal was dismissed on the ground of delay of 725 days.
3. The appellants have explained that they are agricultural labours who move from place to place in search of work for their livelihood; that they came to know about the judgment dated 21.3.2003 passed by the appellate Court only in April 2004 when they returned to their village for celebrating Ugadi festival and they were informed about the execution petition filed in the court of Civil Judge, Jr. Division, Deodurga; that when they contacted their counsel, he advised them to appear in the execution case; that as all of them are rustic illiterate agricultural labours without any economic support, they did not comprehend the legal procedures and only a few days before the second appeal was filed, they came to know that they should challenge the judgment dated 21.3.2003; and that immediately they have taken steps to file second appeal.
4. We find that the explanation offered is satisfactory and sufficient to condone the delay. The High Court ought to have condoned the delay instead of dismissing the appeal only on ground of delay.
5. We, therefore, allow this appeal, set aside the order of the High Court dated 14.2.2006 rejecting the second appeal on the ground of delay. As a consequence, the second appeal stands restored to the file of the High Court and shall be disposed of in accordance with law.