

SUPREME COURT OF INDIA

Ravindra Nath

Vs.

State Bank of India

C.A.No.7422 of 2008

(Tarun Chatterjee and V.S.Sirpurkar JJ.)

17.12.2008

ORDER

1. Leave granted.

2. This appeal is directed against an order dated 25th of April, 2007 passed by the High Court of Judicature at Bombay in Writ Petition No. 2457 of 2006 whereby the High Court had rejected the writ petition only on the ground of delay.

3. Having heard the learned counsel for the parties and after going through the impugned order and taking a liberal view of the matter and after considering the materials on record and the statements made for the delay in filing the writ petition having been sufficiently explained in the writ petition, we are of the view that the delay may not be taken to be a ground for rejection of the writ application simply for two reasons. First, the writ petition was entertained initially by the High Court and then subsequently it was rejected only on the ground of delay. Secondly, as we have already noted the delay in filing the writ application has been sufficiently explained by the appellant. That being the position, we hold that the High Court was not justified in rejecting the writ petition on the ground of delay without deciding the same on merits. However, such restoration of the writ petition to be heard on merits would be subject to payment of costs of Rs.10,000/- to the respondents which shall be paid by the appellant within a period of two months from the date of supply of a copy of this order to the High Court.

4. Accordingly, the impugned order is set aside. The High Court is now requested to dispose of the writ petition on merits within three months from the date of depositing or paying the costs by the appellant to the respondents and after giving hearing to the parties and after passing a reasoned and speaking order. In the event, the cost so awarded is not paid or deposited within the period specified hereinabove, this appeal shall stand dismissed and the order of the High Court shall stand affirmed. We make it clear that we have not gone into the merits of the case, which shall be decided by the High Court in accordance with law.

5. With these observations, the appeal is allowed to the extent indicated above. There will be no order as to costs.