

SUPREME COURT OF INDIA

Annappa @ appanna

Vs.

Special land acquisition officer

C.A.No.135 of 2009

(Tarun Chatterjee and H.L. Dattu JJ.)

09.01.2009

ORDER

1. Leave granted.

2. This is an appeal directed against an order dated 4th November, 2006 passed by a learned Judge of the High Court of Karnataka, Bangalore in Misc. First Appeal No.9905 of 2005, by which the High Court, only on the ground of delay, had dismissed the appeal filed before it.

3. Despite service, none appeared on behalf of the respondent to oppose this special leave petition. We have ourselves examined the application for condonation of delay of 872 days in filing the appeal before the High Court and also facts and circumstances of the present case. Having heard the learned counsel for the appellant and after going through the application for condonation of delay, we are of the view that the delay in filing the appeal before the High Court may be condoned subject to the condition that the appellant shall deposit or pay a sum of Rs.10,000/- as cost in the High Court within a period of four weeks from this date.

4. In default of non-payment, impugned order of the High Court shall stand affirmed. However, if the aforesaid amount is deposited, impugned order of the High Court shall stand set aside, Misc. First Appeal shall be restored to its original number and the High Court shall decide the appeal on merits within a period of four months from the date of depositing of the cost as directed above. We make it clear that we have not gone into the merits of the case which shall be decided by the High Court.

5. The civil appeal is accordingly disposed of with no order as to costs.