

**SUPREME COURT OF INDIA**

State of Bihar

Vs.

Horil Sahni

C.A.No.455 of 2009

(Tarun Chatterjee J.)

23.01.2009

**JUDGMENT**

1. Leave granted.

2. This appeal by way of special leave petition has been preferred against an order dated 20th August, 2008 of the Division Bench of the High Court of Judicature at Patna passed in Letters Patent Appeal No.637 of 2008, by which the High Court had dismissed Letters Patent Appeal(LPA) of the Appellants merely on the ground of delay of 285 days in filing the L.P.A.

3. Having heard learned counsel for the parties and going through the application for condonation of delay in filing the L.P.A., we are satisfied with the explanation offered for the same. We accordingly set aside the impugned order of the High Court, condone the delay in filing the L.P.A. and restore the Letters Patent Appeal to its original number with the request to the High Court to dispose of the aforesaid L.P.A. by the end of April, 2009 without granting unnecessary adjournment to either of the parties.

4. This Appeal is accordingly disposed of with no order as to costs.