

SUPREME COURT OF INDIA

D.D. Vaishnav

Vs.

State of M.P.

C.A.449 of 2009

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

27.01.2009

ORDER

1. Leave granted.

2. This is an appeal from an order dated 1st of August, 2007 passed by the High Court of M.P. at Jabalpur in Writ Appeal No. 1142 of 2007 filed under. Section 2(1) of the *M.P. Uccha Nyayalaya (Khand Nyaya Peeth ko Appeal) Adhiniyam, 2005*, by which the Division Bench of the High Court had rejected the application for condonation of delay of 589 days in filing the appeal against an order dated 20th of October, 2005 of the learned Single Judge of the High Court in W.P. (s) 7865 of 2004.

3. We have heard the learned Counsel for the parties and examined the impugned order as well as the application for condonation of delay in filing the appeal. Having examined the averments made in the application for condonation of delay in filing the appeal and after hearing the learned Counsel for the parties, we are satisfied that the application for condonation of delay of 589 days in preferring the appeal must be allowed as the statements in the application for condonation of delay, in our view, do constitute sufficient cause in not preferring the appeal within the period of limitation. Accordingly, the application for condonation of delay in preferring the appeal is allowed and the impugned order is set aside.

4. The appeal is, therefore, allowed to the extent indicated above. The High Court is requested to dispose of the appeal on merits in accordance with law after giving hearing to the parties and after passing a reasoned order subject to payment of cost of Rs. 10,000/-, to be deposited/paid to the respondent within six weeks from the date of supply of a copy of this order to the High Court, in default of payment of the aforesaid amount, this appeal shall, however, stand dismissed and the impugned order of the High Court shall stand affirmed. The High Court is further requested to dispose of the matter within three months from the date of deposit of the cost as awarded.