

SUPREME COURT OF INDIA

Security Printing & Minting Corp.of I.Ld

Vs.

Workmen Tr.Gen.Sec.of ISP/CNP Union

C.A.No.8460 of 2009

(Tarun Chatterjee and Surinder Singh Nijjar JJ.)

11.12.2009

ORDER

Leave granted.

1. This is an appeal from an order passed by a Division Bench of the High Court at Bombay in LPA No. 202 of 2008, by which an order of a learned Single Judge passed in W.P. No. 5400 of 1996 was affirmed. The Writ Petition filed by the appellant was dismissed for default as it was not attended by the learned counsel for the appellant at the time of hearing.

2. An application for restoration of the Writ Petition was filed in which the reason for not attending was that the clerk of the learned counsel, who looked after the matter, missed the matter on board. The learned Single Judge rejected the application and being aggrieved, a Letters Patent Appeal was filed, which was also dismissed by the Division Bench of the High Court.

3. Feeling aggrieved by the said orders, the appellants have come to this Court by way of a Special Leave Petition, which on grant of leave, was heard in presence of the learned counsel for the parties. Having heard the learned counsel for the parties and after going through the application for restoration and the reasons mentioned therein, we are satisfied with the reasons given by the appellants in their application for restoration for not attending the writ petition at the time of hearing.

4. For the reasons aforesaid, the impugned orders are set aside. The appeal is allowed and the writ petition is restored to its original file, which will be heard on merits subject to payment of Rs.20,000/- as costs by the appellant to be paid to the respondents within two months from this date.

5. In default, this appeal shall stand dismissed and the order of the High Court shall stand affirmed.

6. In the event, the amount is paid, the writ petition shall be heard on merits within a period of three months from the date of depositing the amount, as mentioned hereinabove. There will be no order as to costs.