

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1866 OF 2009
(Arising out of SLP(C)No.5201 of 2008)**

**STATE OF RAJASTHAN & ANR.APPELLANT(S)
VERSUS
HARISH GAURAVRESPONDENT(S)**

O R D E R

Leave granted.

In spite of service of notice upon the sole respondent, no one has entered appearance on his behalf.

This appeal is directed against the judgment and order dt.30.07.2007 in SBCRP No.2917/2007 passed by the High Court of Judicature for Rajasthan at Jodhpur by which the High Court had dismissed the revision petition on the ground of delay of 36 days in filing the same.

Having heard learned counsel for the appellants and after considering the materials on record and the averments made in the application for condonation of delay, we are of the view that the appellants have made out sufficient cause for condonation of delay in filing the revision petition and the delay of 36 days in filing the same ought to have been condoned by the High Court. Accordingly, the impugned order is set aside and the matter is remitted back to the High Court for decision on merits and in accordance with law. The appeal is thus allowed. There will be no order as to costs.

**.....J.
(TARUN CHATTERJEE)**

**.....J.
(H.L.DATTU)**

**NEW DELHI;
MARCH 23, 2009.**