

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4682 OF 2008
(Arising out of SLP©No.18015 of 2007)

Spl.Dy.Collector (LA),K.S.E.Bd. & Anr. ...Appellants.

VERSUS

Pathu & Anr.

...Respondents.

ORDER

1. Delay condoned.
2. Leave granted.
3. Having heard the learned counsel for the parties and after going through the averments made in the application for condonation of delay in filing the appeal and objections filed thereto, we are satisfied that the appellants had made out sufficient cause for condoning the delay of 530 days in filing the appeal subject to payment of Rs.15,000/- as cost to be deposited by the appellants within six weeks from this date with the Registrar of the High Court of Kerala at Ernakulam. Respondent shall be permitted to withdraw such amount of costs, if deposited.

4. We, accordingly, set aside the impugned order of the High Court and condone the delay in filing the appeal. We, however, make it clear that in default of deposit of payment of the aforesaid amount to the respondents within the time specified herein above, the appeal shall stand dismissed and the impugned order shall stand affirmed. The High Court is now requested to dispose of the appeal on merits in accordance with law after hearing the parties and after passing a reasoned order within three months from the date of supply of a copy of this order to the High Court.
5. Accordingly, the appeal is allowed. There will be no order as to costs.

.....J.
[Tarun Chatterjee]

New Delhi;
.....J.
July 21, 2008.

.....
[Aftab Alam]