

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.5054 OF 2009
(Arising out of S.L.P. (C) No.22245 of 2008)

Allahabad Bank

...Appellant(s)

Versus

Manoj Khanna & Ors.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The Trial Court decreed the suit for recovery of arrears of rent. Against the said order, the appellant filed regular appeal along with an application for condonation of delay of fifty eight days in filing the same. The lower appellate court rejected the application for condonation of delay and dismissed the appeal as barred by time. The said order has been confirmed by the High Court in second appeal. Hence, this appeal by special leave.

Having heard learned counsel for the parties and perused the records, we are of the view that, in the facts and circumstances of the case, lower appellate court should have condoned the delay in filing the appeal.

Accordingly, the appeal is allowed, impugned orders passed by the lower appellate court as well as the High Court are set aside, delay in filing the appeal before the lower appellate court is condoned and the matter is remitted to it

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to decide the regular appeal on merits in accordance with law after giving opportunity of hearing to the parties.

Let hearing of the appeal be expedited.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

New Delhi,
August 03, 2009.



JUDGMENT