

CASE NO.:  
Appeal (civil) 4951 of 2001

PETITIONER:  
SOUTH EASTERN COALFIELDS LTD

RESPONDENT:  
NATTHU LAL

DATE OF JUDGMENT: 12/02/2008

BENCH:  
TARUN CHATTERJEE & H.S.BEDI

JUDGMENT:  
JUDGMENT  
O R D E R

CIVIL APPEAL NO.4951 OF 2001

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

This appeal is directed against an order dt.16.10.2000 passed by the High Court of Madhya Pradesh, Jabalpur in M.A.No.2049 of 2000 by which the application for condonation of delay of 35 days in filing the appeal was rejected.

Having heard the learned counsel for the appellant and after going through the application for condonation of delay as also the materials on record, we are of the view that the Division Bench of the High Court was not justified in rejecting the application for condonation of delay of 35 days in filing the appeal as we are of the view that the statements made in the application do constitute sufficient cause for condonation of delay in filing the appeal. Accordingly, we set aside the impugned order and allow the application for condonation of delay in filing the appeal. We, however, request the High Court to decide the appeal on merits and in accordance with

law at an early date and preferably within a period of three months from the date of communication of this Order. The appeal is allowed to the extent indicated above. There shall be no order as to costs.