

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1786 OF 2009
(Arising out of S.L.P. (C) No.23588 of 2005)

Ram Bihari

...Appellant(s)

Versus

Sukhlal Kurmi

...Respondent(s)

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the appellant.

Though the counsel has entered appearance on behalf of the respondent but nobody has appeared to contest the prayer made in this appeal.

In our view, the High Court was not justified in refusing to condone the delay in filing the first appeal. Accordingly, the appeal is allowed, impugned order is set aside, delay in filing First Appeal No.179 of 2001 before the High Court is condoned and the said appeal is restored to its original file. Now, the High Court shall decide the first appeal on merits in accordance with law.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

**New Delhi,
March 23, 2009.**