

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3472 OF 2008  
(Arising out of S.L.P. (C) No.4439 of 2007)

Raviansh Kumar

...Appellant(s)

Versus

Chandravati Tiwari and Ors.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the appellant.

The Trial Court refused to grant time to the appellant to file written statement, which order has been confirmed by the High Court in revision. Hence, this appeal by special leave.

Nobody has appeared on behalf of the respondents to contest the prayer made in the petition, in spite of service of notice.

In our view, in the facts and circumstances of the case, the Trial Court as well as the High Court were not justified in refusing the prayer for filing written statement.

Accordingly, the civil appeal is allowed, impugned orders are set aside and the appellant is granted eight weeks' time from today to file written statement before the Trial Court.

No costs.

.....J.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

New Delhi,  
May 09, 2008.