

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.28 OF 2009

(Arising out of S.L.P. (C) No.13175 of 2007)

Swamy Gowda & Ors.

...Appellant(s)

Versus

K. Shivalinge Gowda & Ors.

...Respondent(s)

O R D E R

Leave granted.

By the impugned order, the High Court has condoned the delay of nine years and five months in filing the writ appeal and allowed the appeal on merits.

Having heard learned counsel for the parties and perused the records, especially the petition for condonation of delay filed in writ appeal, we are of the view that no sufficient cause was shown for condonation of delay of nine years and five months and, as such, the High Court was not justified in condoning the delay and allowing the appeal. In our view, in the facts and circumstances of the present case, the writ appeal should have been dismissed on the ground of delay.

Accordingly, the appeal is allowed, impugned order rendered by the Division Bench of the High Court is set aside, petition for condonation of delay filed in filing the writ appeal is dismissed and the appeal filed before the High Court is dismissed as barred by limitation.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

**New Delhi,
January 07, 2009.**