

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2687 OF 2007

Lucy Paul and Anr.

...Appellant(s)

Versus

Custodian, Special Court (Torts) Act. & Ors. ...Respondent(s)

O R D E R

By the impugned order, the Special Court constituted under the Special Court (Trial of Offences Relating to Transactions in Securities) Act, 1992 [for short, “the Special Court”] dismissed the application filed on behalf of the appellants for lifting the attachment of ACC shares and grant of consequential benefits on the sole ground that the same was filed much after the cut off date and the explanation given by the appellants was not sufficient for condonation of delay.

We have heard learned counsel for the parties and perused the record. In our opinion, the Special Court was not justified in refusing to condone the delay in filing application for issue of a direction to the Custodian to lift the attachment on five ACC shares of hundred rupees face value, to the company to transfer the shares in the applicants name and to pay dividend and accruals thereon. In their application, the appellants had given the reasons for not filing application before the cut off date, but, without even advertng to the same, the Special Court dismissed the

....2/-

application. In our view, in the facts and circumstances of the case, the Special Court should have condoned the delay in filing the application and disposed of the same on merits.

Accordingly, the appeal is allowed, impugned order is set aside and delay in filing the application before the Special Court is condoned. Now, the Special Court shall dispose of the application filed on behalf of the appellants on merits in accordance with law after giving opportunity of hearing to the parties.

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

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

New Delhi,
April 17, 2009.

