

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6818 OF 2009
[arising out of SLP(C) No. 3311 of 2007]

SHIVSHANKAR AGARWAL

.....

APPELLANT

VERSUS

INDERCHAND LUNIYA & ANR.

.....

RESPONDENTS

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

We find that the revision petition filed by the appellant herein had been dismissed on the ground of limitation holding that an application for condonation of delay had not been filed. This order had been maintained by the High Court by the impugned order dated 7th December, 2006.

While issuing notice, we directed that the record of the case be called for and the same has been received and inspected by the learned counsel. It is the conceded position that an application for condonation of delay had not been filed along with the revision petition but an

application had been filed later on. We also find that the delay was only of 12 days.

We are, therefore, of the opinion that orders of the Registrar as also of the High Court cannot be sustained. They are, accordingly, set aside.

The appeal is allowed in the aforesaid terms. The Registrar is directed to decide the matters on merit afresh. Parties to appear before the Registrar on 23rd November, 2009. However, there shall be no order as to costs.



.....J
[HARJIT SINGH BEDI]

.....J
[DR. B.S. CHAUHAN]

NEW DELHI
OCTOBER 05, 2009.

JUDGMENT