

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5824 OF 2009
[Arising out of SLP(C) No. 22899/2008]

PHULIA AND ORS.

... APPELLANT(S)

:VERSUS:

KOUSHAL PRASAD AND ANR.

... RESPONDENT(S)

O R D E R

We have heard the learned counsel for the parties.

Leave granted.

In this matter the High Court has dismissed the second appeal on the ground that it was filed after 53 days of limitation period. The High Court in its order has mentioned that the appellants are very poor and are not conversant with the legal intricacies of the matter. But this fact did not weigh with the High Court and it did not condone the delay of 53 days and dismissed the second appeal.

In the facts and circumstances of this case, we deem it appropriate to condone the delay of 53 days in filing the second appeal. Accordingly, the impugned order is set aside and the matter is remitted to the High Court to decide the Second Appeal No.730/2006

afresh on merits.

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As the matter is pending since 2006, we request the High Court to decide the second appeal as expeditiously as possible.

The appeal is disposed of with the aforementioned observation and direction.

.....J
(DALVEER BHANDARI)

.....J
(Dr. MUKUNDKAM SHARMA)

NEW DELHI,
AUGUST 24, 2009.

JUDGMENT