

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.3468 OF 2009
(arising out of SPECIAL LEAVE PETITION (C) NO.13630 OF 2008)

RADHA KANT CHOWDHARY

....APPELLANT

VERSUS

M/. HEAVY ENGINEERING CORPN. LTD.

....RESPONDENT

ORDER

Delay in filing special leave petition is condoned.

Leave granted.

This appeal is directed against an order of the High Court dismissing the appeal filed by the appellant on the ground of delay of 114 days. We have examined the application for condonation of delay in filing the said appeal and we are of the view that the appellant has sufficiently made out a case for condoning the delay.

In that view of the matter, the impugned order is set aside and the appeal being L.P.A. No.297 of 2004 is restored to its original number. We request the High Court to dispose of the appeal on merits within a period of three months from the date of supply of a copy of this order to it, without granting unnecessary adjournment to either of the parties. It is made clear that we have not gone into the merits of the appeal at this stage.

Impugned order is set aside and the appeal is accordingly disposed of with no order as to costs.

.....J

(TARUN CHATTERJEE)

.....J.

(H.L. DATTU)

NEW DELHI,
MAY 4, 2009.