
(1999) 01 SC CK 0085

In the Supreme Court Of India

Case No : Civil Appeal No. 212 Of 1999

Sita Ram Singh

APPELLANT

Vs

Ram Kishori Devi and Another

RESPONDENT

Date of Decision : 18-01-1999

Acts Referred:

Citation : (1999) 9 SCC 174

Hon'ble Judges : A. S. Anand, C.J;N. Santosh Hedge, J;M. Srinivasan, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

A.S. Anand, C.J.,; M. Srinivasan and; N. Santosh Hegde, JJ.-Leave granted.

2. This appeal is directed against the dismissal of LPA No. 436 of 1995 on 9-1-1998 on the ground that the same was barred by 443 days.

3. We have perused the record and heard learned counsel for the parties.

4. It appears from the record that First Appeal No. 166 of 1979 was heard by a learned Single Judge of the High Court and the judgment was reserved on 16-4-1993. The judgment was later on delivered on 19-5-1994. The date of pronouncement of the judgment was not notified in the cause list and at the time when it was announced, it appears that the learned Single Judge was not sitting at the Patna Bench of the High Court but at the Ranchi Bench. Learned counsel for the appellant submits that the appellant had no knowledge, whatsoever, about the date of pronouncement of the judgment and that he learnt about it only on 24-4-1995 after which he applied for a certified copy of the judgment and filed the letters patent appeal. From a perusal of the record including the affidavits filed in this case, we are satisfied that the appellant did not acquire any knowledge about the pronouncement of the judgment on 19-5-1994 and that he came to know about it only on 24-4-1995. In this fact situation, the High Court ought to have condoned the delay and heard the letters patent appeal on merits. Dismissal of the LPA on the ground of delay in the facts and circumstances of this

case was neither fair nor proper. We, therefore, are unable to sustain the impugned order of the High Court which is, accordingly, set aside. This appeal consequently succeeds and is allowed.

5. The delay in filing the letters patent appeal is condoned and the LPA is remanded to the High Court for its fresh disposal on merits in accordance with law. We request the High Court to dispose of the letters patent appeal expeditiously. There shall be no order as to costs insofar as this appeal is concerned.