

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1248 OF 2019
(@ out of SLP(C) (Dy.) NO.36359/2017)

KALPANA BANIK & ORS.

Appellant(s)

Versus

SWAPAN KUMAR PAUL & ORS.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

In the present matter, the High Court has refused to condone delay of 334 days in filing application for restoration.

In our view, the appellants are entitled to have one chance and the matter ought to have been heard on merits. However, the lapse on part of the appellants would not be condoned unless they are put to certain terms.

After having heard learned counsel, in our view, ends of justice would be met, if the appellants are directed to deposit a sum of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) with the Registrar of Tripura High Court within two weeks from today.

Upon deposit of such sum within the stipulated time, the said sum shall be made over to the present respondents upon sufficient proof of identification and RSA No.6 of 2006 shall stand restored

to the file. We request the High Court of Tripura and Agartala to dispose of the said RSA No.6 of 2006 as expeditiously as possible, preferably within three months from the receipt of the order.

We make it clear that if the amount is not deposited within the stipulated time, no benefit under this order shall accrue to the appellants and the order dated 23.11.2016 passed by the High Court shall remain unchanged.

The appeal is disposed of.

Pending applications, if any, also stand disposed of.

.....J.
[UDAY UMESH LALIT]

.....J.
[INDU MALHOTRA]

New Delhi,
January 28, 2019.

ITEM NO.48

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 36359/2017

(Arising out of impugned final judgment and order dated 23-11-2016
in RSA No. 6/2006 passed by the Gauhati High Court At Agarthala)

KALPANA BANIK & ORS.

Petitioner(s)

VERSUS

SWAPAN KUMAR PAUL & ORS.

Respondent(s)

(APPLICATIONS FOR CONDONATION OF DELAY IN FILING and REFILING)

Date : 28-01-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. Ranjan Mukherjee, AOR
Mr. S. Bhowmick, Adv.

For Respondent(s) Mr. Mayank Pandey, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER

(signed order is placed on the file)