

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5869-5870 OF 2022
(Arising out of SLP (C) Nos. 12869-12870 of 2022)

SYED SALIMUDDIN

Appellant(s)

VERSUS

NAYYAR JAHAN BEGUM AND ANR.

Respondent(s)

O R D E R

1. Leave granted.

2. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court of Judicature at Bombay, Bench at Aurangabad in Civil Application No. 5805 of 2020 in Second Appeal No. 40384 of 2017 and also the order passed in Review Application No. 99 of 2022, the appellant before the High Court has preferred the present Appeals.

3. By the impugned judgment and order, the High Court has refused to condone the delay of 399 days in preferring the appeal.

4. Shri Uday B. Dube, learned counsel, has stated at the Bar that he has instructions to appear on behalf of Respondent No.1 and he shall file his vakalatnama with the Registry within one week from today.

5. We permit the counsel to file the vakalatnama within a period of one week from today.

6. Having heard learned counsel appearing for the respective parties and in the facts and circumstances of the case and considering the grounds set out in the application for condonation

of delay, we are of the opinion that the High Court ought to have condoned the delay and ought to have considered the Second Appeal in accordance with law and on its own merits, subject to framing the substantial question of law, if any.

7. In view of the above and for the reasons stated above, the impugned orders passed by the High Court are hereby quashed and set aside. The delay caused in preferring the appeal before the High Court is hereby condoned. Now, the High Court to decide and dispose of the Second Appeal in accordance with law and on its own merits, however, subject to framing of the substantial question of law, if any.

The present Appeals are allowed to the aforesaid extent. No costs.

..... J.
(M.R. SHAH)

..... J.
(KRISHNA MURARI)

New Delhi;
August 29, 2022.

ITEM NO.62

COURT NO.8

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s). 12869-12870/2022

(Arising out of impugned final judgment and order dated 03-01-2022 in CA No. 5805/2020 05-05-2022 in RA No. 99/2022 passed by the High Court Of Judicature At Bombay At Aurangabad)

SYED SALIMUDDIN

Petitioner(s)

VERSUS

NAYYAR JAHAN BEGUM & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.101321/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.101322/2022-EXEMPTION FROM FILING O.T. and IA No.101324/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-08-2022 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Sandeep Sudhakar Deshmukh, AOR

For Respondent(s) Mr. Uday B.Dube, AOR
Mr. Kaustubh Dube, Adv.

Mr. Preetam Shah, Adv.
Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.
Mr. Durgesh Gupta, Adv.

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

Leave granted.

The present Appeals are allowed to extent as indicated in the signed order.

Pending applications stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)