

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 (Civil)
 No(s).10965/2009

(From the judgement and order dated 25/03/2009 in FA No.
 4180/2008 & CA No. 14201/2008 of The HIGH COURT OF GUJARAT
 AT AHMEDABAD)

ORIENTAL AROMA CHEMICAL INDUS.LTD.

Petitioner(s)

VERSUS

GUJARAT INDISL.DEVT.CORP.& ANR.

Respondent(s)

(With prayer for interim relief)

Date: 18/12/2009 This Petition was called on for hearing
 today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
 HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr. L.N. Rao, Sr. Adv.
 Mr. Nikhil Goel, Adv.
 Mr. M. Bafaki, Adv.
 Mrs Sheela Goel,Adv.

For Respondent(s)

Mr. Mohit Paul, Adv.
 Ms. Shagun Matta, Adv.
 Mr. Sherin Daniel, Adv.
 Mr. Anip Sachthey,Adv.

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

Heard learned counsel for the parties at length.

This petition is directed against order dated 25-3-2009
 passed by the Division Bench of the Gujarat High Court
 whereby delay of 1067 days in filing the first appeal by the
 respondents herein against the judgment and decree of the
 Trial Court was condoned without even adverting to the
 counter-affidavit filed on behalf of the petitioner herein to
 the application for condonation of delay.

Learned counsel appearing for the respondents made
 strenuous efforts to convince this Court not to interfere
 with the discretion exercised by the High Court to
 condone the delay of 1067 days in filing the appeal, but
 finding that the Court is not inclined to agree with him,
 learned counsel sought time to cite judicial precedents on
 the subject

Although, we have our reservations whether there can any
 binding judicial precedent on issue like condonation of delay
 because each case depends on its own facts, in order to
 enable the learned counsel to study the matter and furnish
 further explanation for the long delay of more than three
 years in filing of the first appeal, we deem it appropriate
 to adjourn the case.

List the case on 22-1-2010 for further hearing.

In order to find out the cause for delay of more than
 three years in filing of the appeal and also to know about
 the action, if any, taken by the respondent Corporation

against the defaulting officers and employees, we think it appropriate to request the Executive Director of respondent No.1 to appear before this Court for assistance.

(Vishal Anand)
Sr.P.A.

(Mithlesh Gupta)
Court Master