

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 5606 OF 2008
(Arising out of SLP (C) No. 16684 of 2008)

Union of India through General Manager,
Western Railway, Mumbai & Anr.Appellants

Versus

Fataji Chaturji & Ors. ...Respondents

ORDER

1. Leave granted.
2. This is an appeal filed at the instance of Union of India against the Judgment and final order dated 29th of December, 2005 passed by the High Court of Gujarat in Civil Application Nos. 12992 to 13002 of 2005 with Letters Patent Appeal Nos. 1446 to 1456 of 2005, by which the High Court had refused to condone the delay of 148 days in filing the Letters Patent Appeals.

3. We have heard Mr. B. Dutta, learned Additional Solicitor General, appearing for the appellants and Mr. Vimal Chandra S. Dave, learned counsel appearing for the respondents and considering the facts and circumstances of the case and the explanations offered by the appellants in their application for condonation of delay, we are of the view that the delay in filing the LPAs must be condoned and LPAs be restored to its original file. Accordingly, we order the same.
4. The High Court is therefore requested to dispose of the LPAs on merits and in accordance with law within a period of eight weeks from the date of supply of a copy of this order to it. It is also made clear that at the time of hearing of the LPAs, it would be open to the parties to question the maintainability of the appeal before the Division Bench, which shall also be taken into consideration at the time of such disposal.

5. Accordingly, the impugned orders of the High Court are set aside. The appeal is thus allowed to the extent indicated above. There will be no order as to costs.

.....J.
[Tarun Chatterjee]

New Delhi;
September 11, 2008.

.....J.
[Aftab Alam]