

Khacheru Since Deceased Through His Lr vs The State Of Uttar Pradesh on 7 January, 2020

Bench: Sanjay Kishan Kaul, K.M. Joseph

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ITEM NO.32

COURT NO.12

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N

Miscellaneous Application No.2044/2018 IN SLP [C] D NO.5009/2013

KHACHERU SINCE DECEASED THROUGH HIS LR

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

(FOR ADMISSION and IA
No.52285/2018-CONDONATION OF
RESTORATION

No.52284/2018-RESTORATION
DELAY IN FILING APPLICATION

Date : 07-01-2020 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Dr. Alok K. Sharma, Adv.
Mr. Naresh Kumar, AOR
Mr. Baldev Attreya, Adv.

For Respondent(s)

Ms. Garima Prashad, AOR
Mr. Krishan Pal Mavi, AOR

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

IA No.52284/2018-RESTORATION and IA No.52285/2018-CONDONATION OF DELAY IN FILING APPLICATION FOR RESTORATION Heard.

Delay in filing application for restoration is condoned. There is no doubt that there has been callousness in prosecuting the petition but looking into the facts and circumstances of the case, we condone the delay and restore the Special 15:44:47 IST Reason: Leave Petition subject to the condition that for the complete period from the date of filing till the date of filing of the application for restoration the appellant will be deprived of the benefit of interest on the enhanced

compensation. Application for restoration is allowed and miscellaneous application stands disposed of.

It is not disputed that the matter is covered by the judgment and order of this Court in Gaindo v. State of U.P. & Ors.- Civil Appeal No.3423/2012 & Connected matters, dated 1st November, 2017. The present Special Leave Petition is also disposed of in terms of the said order, subject to the Caveat that no interest will be payable for the period the petition was lying under objection and was thereafter dismissed till the date application for restoration was filed.

The Special Leave Petition is disposed of. Pending application, if any, stands disposed of. Parties are left to bear their own costs.

(ASHA SUNDRIYAL)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER