

(2011) 11 DEL CK 0493
In the Delhi High Court
Case No : L.A. APP. 716 of 2011

Gopal Singh and Others

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 25-11-2011

Acts Referred:

Citation : (2011) 126 DRJ 687

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Raj Bhadur Singh, for the Appellant; Sanjay Kumar Pathak, Mohit Rao Jadhav and Mr. Navlin Swain, Advocates for the Respondent No. 1 /UOI and Mr. Arun Birbal, Advocate for the Respondent No. 2/DDA, for the Respondent

Final Decision : Dismissed

Judgement

Sunil Gaur, J.

CM No. 21355/2011 (U/s 151 CPC)

1. There is delay of 400 days" in re-filing of the accompanying appeal. Negligence of appellants" counsel is the reason put forth for this inordinate delay.
2. Notice.
3. Mr. Sanjay Kumar Pathak, Advocate & Mr. Arun Birbal, Advocate, accept notice of application on behalf of respondent No. 1/UOI and respondent No. 2/ DDA respectively.
4. Appellants" counsel is apologetic and assures this Court that such negligence would not be displaced in future and states that this time in the interest of justice the delay be condoned, as the instant application is accompanied by his own affidavit.
5. For the reasons stated in the application, the same is allowed and inordinate delay of 400 days" in re-filing the accompanying appeal is condoned. Application

stands disposed of.

CM No. 21354/2011 (u/S 5 of Limitation Act r/w Sec. 151 CPC)

6. There is delay of 47 days" in filing of the accompanying appeal.

7. Notice.

8. Mr. Sanjay Kumar Pathak, Advocate & Mr. Arun Birbal, Advocate, accept notice of application on behalf of respondent No. 1/UOI and respondent No. 2/ DDA respectively.

9. Perusal of the application reveals that appellants" counsel was confused regarding the period of limitation within which the appeal had to be filed and this has resulted in delay in filing of the accompanying appeal. Appellants" counsel has placed his own affidavit in support of this application.

10. For the reasons stated in the application, which are supported by affidavit of appellant"s counsel, the same is allowed.

11. Application stands disposed of.

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12. Mr. Arun Birbal, Counsel for respondent. No. 2/DDA states that the fate of this appeal would be governed by the decision of this Court in L.A. APP No. 59/2007, "Bed Ram v. UOI & Ors.", rendered on 07.06.2011.

13. The Instant appeal relates Village- Nangli Rajapur, New Delhi, where vide Notification of 23.06.1989, the land of the appellant stood acquired u/s 4 of the Land Acquisition Act, 1894 and Reference Court vide impugned order of 01.12.2009, awarded compensation @Rs. 89,600/- per bigha.

14. The subject matter of this appeal stands covered by the decision of this Court in LA.APP No. 59/2007, titled as "Bed Ram v. UOI & Ors.", rendered on 07.06.2011, wherein compensation awarded by the Reference Court in respect of this very notification of 23.06.1989 has been maintained.

15. Counsel for the appellant, in the light of the aforesaid decision of this Court, concedes that this appeal indeed has to be dismissed.

16. This appeal is accordingly dismissed with no order as to costs.