
(2019) 09 DEL CK 0563

In the Delhi High Court

Case No : Letters Patent Appeal No. 613 Of 2019

Govt Of Nct Of Delhi

APPELLANT

Vs

Suresh Kumar & Ors

RESPONDENT

Date of Decision : 18-09-2019

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (2019) 09 DEL CK 0563

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C.Hari Shankar, J

Bench : Division Bench

Advocate : Siddharth Panda, Ram Kumar, K.K. Nangia, Prabhsahay Kaur, Shruti Gala

Final Decision : Dismissed

Judgement

D.N. Patel, CJ

CM APPL. No.41661/2019 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL.41659/2019

1. This application has been preferred under Section 5 of the Limitation Act for condonation of delay of 701 days in preferring this appeal.

2. We have heard the counsel appearing for the appellant. It is submitted by the counsel for appellant that the present Letters Patent Appeal has been preferred by this appellant being aggrieved and dissatisfied by the judgment and order dated 25th August, 2017 passed by learned Single Judge in W.P.(C) 7420/2017 (Annexure A-1 to the memo of this appeal).

3. Counsel appearing for the respondents No.1 to 3 (original petitioners) submitted that they had preferred an application with a delay of 7 days for

getting an alternative plot but the said application was rejected by this appellant. This aspect of the matter has not been properly appreciated by the learned Single Judge.

4. Counsel appearing for the appellant has submitted that the reasons for condonation of delay of 701 days, has been mentioned in paragraph 2 of the application, which includes the fact that the counsel for appellant was very busy with other matters, hence there was a delay in preferring this appeal, and thus should be condoned.

5. Having heard the counsel for appellant and looking into the reasons stated in the application, there are no reasonable grounds for condonation of delay. The advocate was busy and officers were also busy cannot be the reasonable ground for preferring the application for condonation of delay.

6. In view of the following decisions, the reasons stated in this application are not reasonable reasons for condonation of delay:

(i) Postmaster General & Ors. v. Living Media India Ltd. & Anr. (2012) 3 SCC 563

(ii) The State of Bihar & Ors. v. Deo Kumar Singh & Ors., SLP 13348/2019

(iii) Union of India & Ors. v. Nripen Sarma (2013) 4 SCC 57

(iv) Amalendu Kumar Bera & Ors. v. State of West Bengal (2013) 4 SCC 52

7. In view of the aforesaid, we see no reason to condone the delay in preferring the present appeal. Hence, this application is hereby dismissed.

LPA 613/2019 & CM APPL.41660/2019 (Stay)

8. In view of the order passed in CM APPL.41659/2019, this appeal and the application for stay are dismissed.