

(2021) 05 UK CK 0042
In the Uttarakhand High Court
Case No : Special Appeal No. 166 Of 2021

Mamta Kalura

APPELLANT

Vs

District Magistrate, Uttarkashi & Others

RESPONDENT

Date of Decision : 19-05-2021

Acts Referred:

Citation : (2021) 05 UK CK 0042

Hon'ble Judges : Raghvendra Singh Chauhan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Narendra Bali, K.N. Joshi, Rajeev Singh Bisht

Final Decision : Dismissed

Judgement

Raghvendra Singh Chauhan, CJ

1. Since the sufficient cause has been shown by the appellant for the delay of 127 days in preferring the present Special Appeal, the delay is hereby

condoned by this Court. Delay Condonation Application is disposed of.

2. Having argued the case at some length, Mr. Narendra Bali, the learned counsel for the appellant, seeks the liberty to withdraw this appeal.

3. However, this appeal is highly misplaced and tantamount to misuse of law and misuse of the process of the Court. For, according to the impugned

order dated 04.12.2020, it is the appellant who herself gave an undertaking before the learned Single Judge that she would vacate the premises on or

before 15.05.2021.

4. Having given such an undertaking before the learned Single Judge, the appellant cannot possibly file an appeal before this Court. For, the litigant

cannot be permitted to give an undertaking before the learned Single Judge and rush to the Appellate Court and challenge the same order. Such

cleverness should be deprecated in the harshest terms.

5. Therefore, while permitting the appellant to withdraw the appeal, this Court imposes a cost of Rs.20,000/-on the appellant, to be paid to the High

Court Bar Association Advocatesâ?? Welfare Fund, within a period of two weeks from today.

6. In case, the said amount is not paid by the appellant within the stipulated period, the concerned Collector is directed to recover the said amount as arrears of land revenue.

7. The Special Appeal is dismissed as withdrawn.