

**IN THE COURT OF SH. PITAMBER DUTT,
PRINCIPAL DISTRICT AND SESSIONS JUDGE,
NEW DELHI DISTRICT, PATIALA HOUSE COURT,
NEW DELHI.**

In the matter of:

CNR No. : DLND01-000301-2024
CrI. Rev. No. : 41/2024

Sh. Prem Arora,
S/o Sh. Raunak Lal Arora,
R/o House number 14/102-103,
Subhash Nagar, New Delhi-110027.

...Petitioner

Versus

1. The State of NCT of Delhi
2. Sh. Ishwar Singh,
S/o Sh. Jai Pal Singh,
R/o RZ-46, Street Number 6,
Gitanjali Park, West Sagarpur,
New Delhi. 110046.

Also at: Shop number 1, RZ-21/284,
Gitanjali Park, West Sagarpur,
New Delhi-110046.

3. Sh. Prakash Chand Modi,
S/o Late Sh. Babu Lal Modi,
R/o RZ-21/288, Street number 5B,
Gitanjali Park, West Sagarpur,
New Delhi-110046.

Also at: Shop number 2 & 3,
RZ-21/284, Gitanjali Park,
West Sagarpur, New Delhi-110046.

4. Sh. Manoj Kumar Bansal,
S/o Sh. Gyan Chand Bansal,
R/o RZ-179/284, Street number 3,
Gitanjali Park, West Sagarpur,
New Delhi-110046.

Also at: Shop number 4, RZ-21/284,
Gitanjali Park, West Sagarpur,
New Delhi - 110046,

5. Sh. Mahaveer Bansal,
S/o Sh. Gyan Chand Bansal,
R/o RZ-179/284, Street number 3,
Gitanjali Park, West Sagarpur,
New Delhi-110046.

Also at: Shop number 7,
RZ-21/284, Gitanjali Park,
West Sagarpur, New Delhi - 110046,

6. Sh. Radhe Shyam,
S/o Late Sh. Ram Nivas Gupta,
R/o D-62, East Dabri (Extn.)
New Delhi-110045.

Also at: Shop number 8, RZ-21/284,
Gitanjali Park, West Sagarpur,
New Delhi - 110046,

7. Sh. Satyanarayan Khandelwal,
S/o Sh. Radhesyam Khandelwal,
R/o RZ-37, Street number 10,
Madan Puri, West Sagarpur,
New Delhi-110046.

Also at: Shop number 9, RZ-21/284,
Gitanjali Park, West Sagarpur,
New Delhi – 110046.

...Respondents.

Date of Institution : 18.01.2024
Case reserved for Orders on : 03.06.2026
Order announced on : 09.06.2026

Appearance:

Sh. Vipin Nandwani, Ld. Counsel for the petitioner.
Sh. Shiv Kumar, Ld. Addl. PP for State/Respondent No. 1
Sh. Praveen Suri, Ld. Counsel for respondents no. 2 to 7.

Order:

1. Vide this order I shall decide an application for condonation of delay filed U/s 5 of Limitation Act.
2. It is averred in the application that arguments on application U/s 156(3) Cr. PC were heard lastly on 10.03.2023 and the order was reserved for 27.04.2023. However, on 29.04.2023, when the civil suit between the parties was listed in Patiala House Court, Ld. Counsel for the petitioner went to inquire about the status of the order, he was informed that the Ld. Presiding Officer was transferred to Saket and therefore, date would be given. It is further averred that when the counsel repeatedly kept on inquiring about the same from the court staff for about 10-15 days, however, no update was made available and it was informed that no date had been given in the matter. Later on after about 15 days, the date was updated in E-Courts App, however, no order was uploaded and only the next date of hearing was being shown as 13.10.2023.

3. It is further averred that even till today the order dated 27.04.2023 is not uploaded either on the website or E-Courts App.
4. It is further averred that on 13.10.2023, when the petitioner went to attend the matter, it was revealed that the case was listed for complainant evidence and then it was for the first time transpired that the application U/s 156 (3) Cr. PC was disposed off. It is further averred that upon making inquiry, it transpired that after being transferred to Saket District Courts, the court had taken the case file along with her and thereafter passed the impugned order on a much later date, however, it was shown that order had been passed on an earlier date i.e. 27.04.2023.
5. It is further averred that thereafter certified copy of the impugned order was applied on 01.11.2023, which was made available on 24.11.2023, however, same was delivered on 30.11.2023 as 25th, 26th and 27th November, 2023 were holidays. On that basis, it is prayed that delay in filing the petition be condoned.
6. Respondent Nos. 2 to 7 have filed reply thereby controverting the averments made in the application. It is averred that Ld. Counsel for petitioner could have inspected the record to know the status of this case, however, he did not inspect the same. It is further

averred that the petition cannot be allowed to say that he came to know about the order at a later stage. It is further averred that the delay is not of 22 days but there is a delay of more than six months and petitioner failed to explain the same. It is prayed that application be dismissed.

7. I have heard Ld. Counsel for the petitioner, Ld. Counsel for respondents, perused the application and its reply as well as the records.
8. The petitioner has sought condonation of delay in filing the accompanying petition on the ground that Ld. Trial Court has passed the order dated 27.04.2023 after being transferred from Patiala House Court to Saket Court District Court but the said order was never uploaded in the website and petitioner came to know about the said order only on 13.10.2023, when his Counsel went to attend the hearing of the complaint case and came to know that the case was listed for pre-summoning evidence.
9. The plea of the petitioner is that the order dated 27.04.2023 was not uploaded on the official website even till today.
10. The said plea has not been disputed by the respondents.

11. No doubt that the petitioner could have inspected the file and come to know about the outcome of application U/s 156 (3) Cr. PC, however, fact remains that when the case was heard and matter was posted for order, it was the duty of the Ld. Trial Court to upload the said order on the website.
12. The plea of the petitioner is that he came to know about the said order only on 13.10.2023 and after that he applied for a certified copy, which he received on 30.11.2023, after which the present revision petition was filed.
13. No prejudice would be caused to the respondent nos. 2-7, if the application filed by the petitioner U/s 5 of the Limitation Act is allowed and the delay in filing the petition is condoned and the impugned order dated 27.04.2023 is tested on its own merit.
14. In view of the above facts and circumstances, the application filed by the petitioner U/s 5 of the Limitation Act is allowed. The delay in filing the accompanying revision petition is condoned.

Announced in Open Court
On 09th June, 2026

(Pitamber Dutt)
Principal District & Sessions Judge
New Delhi District, Patiala House Courts
New Delhi