

RCT/ARCT No. 04/2024
Arun Kumar Gupta vs Sir Sobha Singh & Sons (P) Ltd.

22.09.2025

Present: Sh.H. S. Sharma, Ld. Counsel for appellant along
with appellant in person.
Sh. Anand Singh and Ms.Monika Phartyal,Ld.
Counsel for respondent.

I have both the sides on the pending application filed by the appellant seeking condonation of delay under Section 5 Limitation Act 1963.

The facts relevant for the disposal of the application are that Ld. ARC pronounced the judgment in the matter on 17.09.2024. The appeal was required to be filed within 30 days as per prescribed limit. However, appeal has been filed after a delay of about one month.

According to the appellant, he has been suffering from old age disease and time was taken for collecting the file from the previous counsel as also there were number of holidays in the month of October 2024. The certified copies were applied by the appellant seeking copies of documents and evidence. It is asserted that appellant would be seriously prejudiced if the present appeal is not heard on merits.

On behalf of respondent, reply has been filed with the pleas that application is frivolous and no legitimate ground has been made out for condonation of delay. The application is stated to be based on false and baseless grounds.

On examining the pleas of both the sides on the aspect of condonation of delay, I am of the opinion that the delay is not inordinate and must be condoned. It is not in dispute that the present appeal has been filed after a delay of about one month. However, since this is a first appeal against the order of original court, right of the appellant would be seriously prejudiced if the appeal is not decided on merits. As per settled legal position, the appeal should not be dismissed on technical grounds and approach of the court should be liberal so as to hear the case on merits for the purpose of doing substantive justice.

In my opinion, the delay is of 30 days only and appellant has been able to furnish reasonable cause for delay.

Application is accordingly allowed. Delay is condoned.

Appeal is now to be heard on merits.

Put up for arguments on the present appeal on 02.12.2025.

(Anju Bajaj Chandna)
Principal District & Sessions Judge
New Delhi District, Patiala House Courts
ND/22.09.2025