

CNR No:CHCH010046362024 CASE No:CRL MISC-217-2024

Karandeep Singh Vs. Jasmeet Kaur

**Present: Sh. Vivek Kathuria, counsel for appellant.
Shri Sunil Narang, counsel for respondent.**

This order shall dispose of application for condonation of delay of 1 day in filing the appeal.

It is submitted by the counsel for the appellant-applicant that the applicant through her counsel came to know about the impugned order dated 10.05.2024 only on 11.06.2024. Immediately on gaining knowledge about passing the impugned order, the applicant has applied for the certified copy and after receiving the same, the applicant has filed the present appeal. Thus, the delay in filing the appeal is neither intentional nor willful, but on account of above said reason. This application is also supported by an affidavit.

2. Learned counsel for the respondent has orally stated that the application is not satisfactory or justified. The applicant has failed to explain the delay of each and every day in filing the appeal. Therefore, the application deserves dismissal.

3. I have given my careful consideration to the submissions made from both the sides and have gone through the record.

4. The present application for condonation of delay has been filed along with the appeal filed. Though delay of 1 day is considerable, but the reason advanced seems to be convincing. Law has been settled by Hon'ble Supreme Court in case Improvement Trust, Ludhiana vs. Ujjagar Singh 2010(3) CCC 374 SC that unless malafides are writ large on the conduct of the party, generally as a

normal rule, delay should be condoned. The cause of condonation of delay needs to be appreciated in liberal manner. The effort of the Court is to decide the matter on merits, rather than on technical ground of limitation. In the peculiar facts and circumstances of the case, this Court finds that no prejudice shall be caused to anyone, if the application under Section 5 of Limitation Act is allowed. Hence, the application is allowed and the delay in filing the appeal is hereby condoned. Accordingly, application for condonation of delay stands disposed of. Let appeal be registered.

Adjourned to 04.10.2025 for filing the reply to the stay application.

Dr Harpreet Kaur, ASJ/CHD/23.09.2025

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File put up again on the request of counsel for the appellant.

Learned counsel for the appellant has suffered the following statement:-

“Stated that I withdraw the present appeal.”

Heard. In view of the abovesaid statement, the present appeal stands dismissed as withdrawn. File be consigned to the record room.

**Date of order:23.09.2025
Nancy,Steno Gr.II**

**(Dr Harpreet Kaur)
Additional Sessions Judge
Chandigarh/UID No. PB0443**