

19RCA DJ21/24

ABDUL SATTAR SALAM QASMI Vs. FIRAST ALI

23.10.2024

Present : Md. Musabbir Ansari, Ld. Counsel for appellant.
Ms. Nimisha Devi, Ld. Counsel for respondent.

1. Today, reply to application under Order XLI Rule 3A CPC read with Sections 5 & 12 of the Limitation Act has been filed.
2. Ld. Counsel for appellant has submitted that the appellant is old person about 71 years and was not well during the time of passing of the impugned order. Therefore, some delay has been caused in filing the present appeal.
3. After some arguments, Ld. Counsel for respondents submits that if the present application is to be allowed, the same be allowed subject to heavy cost.
4. Submissions heard. Application perused.
5. In view of submissions made and no objection on behalf of respondent, the present application under Order XLI Rule 3A CPC read with Sections 5 & 12 of the Limitation Act is allowed subject to cost of Rs.5000/- to be paid by appellant to respondent.
6. Reply to the appeal be filed by respondent at least one week prior to NDOH with advance copy to opposite side.
7. List for arguments on the appeal **for 09.12.2024.**

(Rahul Bhatia)
DJ-01 (South East) Saket Court
New Delhi/23.10.2024 (vg)