

09.12.2022

Present: Sh. Sanjeev Kumar, Id. counsel for R-1 alongwith R-1.
Sh. Ashwani Kumar, Ld. Counsel for Respondent no. 2 to 5.

The matter has been listed today for arguments on the application moved u/sec. 5 of the Limitation Act for seeking condonation of delay in filing the appeal. There is a delay of about 220 days in filing the appeal. The ground mentioned in the application is to the effect that the impugned judgment was passed in June 2020 through video conferencing and since the courts were functioning irregularly due to the pandemic, the appellant could not contact his counsel and subsequently could apply for the certified copy only on 16.03.2021. It has been further stated in the application that certified copy has not been received by the appellant. The application is dt. 17.03.2021.

The application has been opposed by the LR's of the respondent.

The appeal has admittedly been filed without any certified copy of the impugned judgment. If that was the case, there was no reason for the appellant to wait for obtaining a certified copy and could have filed the appeal much earlier. However, in the interest of justice, the application is allowed subject to cost of Rs. 3,000/- to be paid to the LR's of the respondents.

Put up for final arguments on 06.02.2023.

(Ajay Gulati-I)