

RCA DJ 50/24

KRISHAN KUMAR GAMBHIR Vs. KINGSON GOGIA

07.04.2025

Present: Ld. counsel for appellant (VC).

Sh. Sunil Khanna, Id counsel for respondent.

In this matter, arguments were heard on application for condonation of delay. Record perused.

Present application has been filed under Section 5 of the Limitation Act read with Section 151 CPC on behalf of appellant seeking condonation of delay in filing the present appeal. It is submitted that appeal has been filed against the judgment and decree passed in civil suit bearing no.613292/2016 titled as 'Kingson Gogia vs. Krishan Kumar Gambhir'. It is submitted that delay has been caused in filing of the appeal due to the reason that time was spent in getting certified copies of the documents and in arrangement of other relevant documents. It is submitted that mother of brother-in-law of appellant passed away on 03rd of April and after that within the span of some days, the brother-in-law of appellant also suffered heart attack. It is submitted that delay has been caused only due to above reasons and same is neither intentional nor deliberate. Request has been made to condone the delay and hear the appeal on merits.

Perusal of record shows that present appeal has been filed against the judgment and decree dated 31.01.2024 passed in civil suit bearing no.613292/2016 titled as 'Kingson Gogia vs. Krishan Kumar Gambhir' by the Court of learned Civil Judge-03, West District, Tis

Hazari Courts. Perusal of record also shows that appeal has been filed on 22.05.2024. As per Article 116 of the Limitation Act 1963, the period of limitation in appeal against any decree or order to any Court other than High Court is 30 days and same is counted from the date of decree or order. In view of the same, it is clear that there is delay in filing the appeal, however, it cannot be ruled out that some time had been spent in getting the certified copies of the judgment and decree, qua which present appeal has been filed. In support of the plea regarding illness of relative, appellant has filed on record, certain photocopies of medical documents, so in view of the same and in the interest of justice, the delay in filing the present appeal is condoned and accordingly, present application is allowed.

Matter be put up for arguments on application for stay of the impugned judgment and decree on **19.04.2025**.

(Dharmender Singh)
District Judge-01 (West), THC,
Delhi/07.04.2025