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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LA.APP. 5/2023**

UNION OF INDIA

..... Appellant

Through: Mr.Sanjay Kr. Pathak, Mr.Sunil
Kr.Jha, Mr.M.S. Akhtar and Ms. Rini
V Tigga, Advs.

versus

**SH. KHAZAN SINGH (DECEASED) THROUGH LRS. SH.
DARYAV SINGH & ANR**

..... Respondents

Through: Ms.Aarushi Tiku, Adv. for R2/MCD.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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09.01.2023

[The proceeding has been conducted through Hybrid mode]

CM APPL. 791/2023-EXEMP.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM APPL. 792/2023 (EXTN. OF TIME TO FILE DEFICIENT COURT FEES)

3. This is an application seeking extension of time for filing deficient court fee.
4. It is submitted by learned counsel appearing on behalf of the appellant that deficient court fee has already been filed. In view of the submissions, application is disposed of as infructuous.

**CM APPL. 794/2023 (DELAY 137 DAYS IN FILING APPEAL and
CM APPL. 795/2023 (DELAY 31 DAYS IN RE-FILING APPEAL)**



5. These are the applications seeking condonation of delay of 137 days in filing the appeal and 31 days in re-filing the appeal respectively.

6. Issue notice. Ms.Tiku learned counsel appearing on behalf of respondent no.2/MCD accepts notice.

7. Notice may be issued to private respondent through all permissible modes, additionally, through counsel for private respondent appearing before the learned Executing Court.

CM APPL. 793/2023-STAY

8. This is an application seeking stay of the impugned judgment and decree dated 16.09.2021. Subject to deposit of the entire decretal amount as granted by the impugned judgment within 8 weeks, there shall be stay of the execution proceedings in the meanwhile.

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9. It is submitted by learned counsel for the appellant that identical issues have been raised in LA APP 347/2022 tilted as “*Union of India Vs. Om Prakash & Ors*”, which is listed for consideration on 16.03.2023.

10. List the present appeal on 16.03.2023 along with the aforesaid LA APP 5 of 2023.

TUSHAR RAO GEDELA, J.

JANUARY 9, 2023
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