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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 246/2017
CHANDER PAL SINGH

..... Appellant

Through: Mr. Rakesh Khanna, Senior Advocate
with Mr. Hemant Kumar Yadav,
Mr. Raghvendra Singh Parihar, Ms.
Seema Rao and Ms. Mahima Rathi,
Advocates

versus

KAMLESH NAGPAL

..... Respondent

Through: Mr. Pradyumna Singh, Advocate

CORAM:
HON'BLE MR. JUSTICE P.S. TEJI

ORDER
% **04.09.2017**

C.M. No. 8297/2017 (Delay of 37 days in filing appeal)

By this application filed under Section 5 of the Limitation Act, the appellant seeks condonation of delay of 37 days in filing the main appeal.

Counsel appearing on behalf of the respondent objected to the application and submitted that there is no proper explanation given for delay in preferring the appeal. On the other hand, counsel for the appellant submitted that he has explained the delay by way of various grounds taken in the application, particularly the ground mentioned in para 5 that Advocate advised the appellant it is not a good case for filing the appeal and thereafter on 20.10.2016 other advocate



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informed that the it is a good case and the appellant has good chances of winning the case. Accordingly, the application filed by the appellant is allowed and the delay of 39 days in preferring the appeal is condoned subject to payment of costs of Rs.10,000/- with Delhi High court Mediation and Conciliation Centre.

Application stands disposed of.

C.M. No. 8299/2017 (Stay)

Perusal of the record reveals that initially the suit was filed in the High court and vide order dated 1st December 2008, this court had granted temporary injunction to the effect that the defendant shall not sell, transfer, dispose of, part with the possession or create any third party interest in respect of property No.7, measuring 80 sq. yards, Village Khureji Khas, Gobind Park, Illaqa Shahdara, Delhi. Consequently, the respondent is directed to maintain status quo, as mentioned in order dated 1st December 2008 passed by this court.

The application stands disposed of.

C.M. No. 8298/2017 (Order 41 Rule 27 CPC)

The present application shall be heard alongwith main appeal at the time of final hearing.

R.F.A. No. 246/2017

Admit.

List the appeal as well as application being C.M. No.8298/2017 in the category of 'regulars' at its own turn.

P.S.TEJI, J

SEPTEMBER 04, 2017

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