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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LA.APP. 490/2023
DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION Appellant
Through: Ms. Ruchika Rathi and Ms. Varsha
Agarwal, Advocates
versus
SHRI SUBHASH AND ORS Respondents
Through: Ms. Urvashi Bhatia and Ms. Farheen
Intakhab, Advocates for R-1 to R-3
Mr. Sanjay Kumar Pathak, Standing
Counsel with Mr. Sunil Kumar Jha
and Ms. Nidhi Thakur, Advocates for
UOI

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% 27.05.2024

CM APPL. 49698/2023 (delay of 1571 days)

1. The present application is filed on behalf of the appellant under Order 41 Rule 3A and section 151 C.P.C. seeking condonation of delay of 1571 days in filing the present appeal.
2. The impugned judgment and decree was passed on 05.03.2019, but the notice of the reference petition was never served upon the appellant/DSIIDC.
3. The appellant/DSIIDC came to know about the impugned judgment when the execution petition bearing no. 281/2022 was filed on behalf of the respondents no. 1 to 3 and the notice of the execution petition was served upon the appellant. Thereafter, the file was assigned to the Government counsel on 08.06.2023 and after completion of the procedural requirement, the present appeal was filed.



4. The perusal of the impugned judgment dated 05.03.2019 also reflects that the appellant/DSI IDC was not impleaded as one of the respondents before the reference court/trial court.

5. The application is contested on behalf of the respondents no. 1 to 3. However, the respondents no. 4 and 5 preferred not to file any reply. In the reply filed on behalf of the respondents no. 1 to 3, it is mentioned that no genuine or cognizant reason is mentioned in the application for condonation of delay.

6. The appellant was not impleaded as a necessary party/respondent before the reference court/trial court. The appellant came to know about the passing of the impugned judgment and decree only when the notice of the execution petition was received by the appellant/DSI IDC.

7. It is also stated that the connected appeals bearing no. LA.APP. 16/2020 titled as **DSI IDC V Om Prakash & Ors.** and LA.APP. 189/2015 titled as **UOI V Satyender Singh** have already been admitted.

8. After considering all facts, the delay of 1571 days in filing the present appeal is condoned.

9. The application stands disposed of.

LA.APP. 490/2023, CM APPL. 49697/2023 (Stay)

10. Service is stated to be completed.

11. The connected appeals bearing no.16/2020 titled as **DSI IDC V Om Prakash & Ors.** and 189/2015 titled as **UOI V Satyender Singh** have already been admitted as regular matters.

12. The present appeal is also admitted.

13. Let the present appeal be listed in due course along with LA.APP. 189/2015 and LA.APP. 16/2020



14. The date already fixed before the Registrar i.e. 03.09.2024, stands cancelled.

DR. SUDHIR KUMAR JAIN, J

MAY 27, 2024
sk/am