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

+ **RSA 133/2024 & CM APPL. 42801/2024**

SH BABU LAL BAGORIYA AND ORSAppellants

Through: Ms. Aakanksha Kaul, Adv.
versus

SH LEKH RAJ BHARTI AND ANR

.....Respondents

Through: Mr. Jeevesh Nagrath, Mr. Arjun Gaur,
Mr. Rajat Gupta, Advs. with R-1 in
person

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **25.11.2024**

CM APPL. 42803/2024 (for delay)

1. Heard learned counsel appearing for the parties.
2. Learned counsel who appears for the appellant submits that in the instant case, the appellant is an extremely poor and illiterate person. On account of short of funds as well as the ill health of his mother, timely steps were not taken to file the appeal.
4. Learned counsel further submits that on an advise, the appellant had contacted the Delhi High Court Legal Services Committee, and upon the appointment of counsel, the papers were arranged and accordingly the appeal has been filed.
5. Learned counsel then contends that on account of aforesaid formalities, certain delay has occurred. The same is bonafide and be



condoned in the interest of justice.

6. The submissions are strongly opposed by learned counsel for the respondent. He submits that the impugned appeal is against concurrent findings of fact and therefore, there is hardly any scope for interference under section 100 of the CPC.

7. I have considered submissions made by learned counsel for the parties and also perused the record.

8. The Court takes note of the fact that the appellant has filed the instant appeal with the assistance of Delhi High Court Legal Services Committee. It is also stated that when the counsel was appointed, the appellant was not in possession of the necessary papers. The delay, therefore, has occurred on account of completion of the papers etc. Furthermore, due to the ill health of his mother, he was not able to collate and sign the necessary papers for filing the present appeal. Thus, under the facts and circumstances of the present case, the delay appears to be reasonable and, therefore, is condoned in the interest of justice.

9. The application stands disposed of.

RSA 133/2024 & CM APPL. 42801/2024 (for stay)

1. Notice has already been accepted by learned counsel for respondent no.1.
2. Let steps be taken for respondent no.2 in the meantime.
3. List this appeal for admission on 03.12.2024.

PURUSHAINDR KUMAR KAURAV, J
NOVEMBER 25, 2024/tp