

Court No. - 30

Case :- FIRST APPEAL No. - 281 of 1998

Appellant :- U.P. Avas Evam Vikas Parishad

Respondent :- Bhikhan And Another

Counsel for Appellant :- Pankaj Mithal

Counsel for Respondent :- J.N.Sharma

Hon'ble Vivek Kumar Birla,J.

Heard Sri Vivek Saran, learned counsel for the appellant and Sri J.N. Sharma, learned counsel for the claimants-respondents, who has also filed the cross examination.

It is not in dispute that the appeal is pending since 1998. The notices were issued twice to the claimants-respondents on 14.7.1998. Steps were taken but the notices issued by the registered post were not returned back.

Learned counsel for the appellant submits that the claimants had full knowledge of the proceedings of the present appeal inasmuch as interim order was passed on 14.7.2018. The cross objection was filed in the year 2014 and the delay condonation application was filed in 2017 and the deficiency of the court fees in cross objection was supplied in April, 2019. Thus, the cross objection filed by the claimants-respondents is highly belated.

In such view of the matter, learned counsel for the appellant is granted three weeks time to file supplementary affidavit to the delay condonation application filed along with the cross objection so as to consider the grounds of delay and maintainability of the cross objection.

In case, the cross objection is entertained, the question as to whether the claimants/respondents are entitled for the interest for the period during which they did not approach this Court shall also be considered on the next date.

List along with the connected matters after three weeks.

Order Date :- 19.8.2019

Aditya