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ITEM NO.32

COURT NO.13

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s). 18661-18662/2012

(From the judgement and order dated 06/02/2012 in RFA No.56/2009, CM No.2232/2009,CM No.7592/2011 of The HIGH COURT OF DELHI AT N. DELHI)

SAMINA ZAIDI

Petitioner(s)

VERSUS

NASEEM AKBAR & ORS.

Respondent(s)

(With office report)

Date: 13/07/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)

Dr. Aman Hingorani, Adv.

Ms. Swati Sumbey, Adv.

for M/S. Hingorani & Associates,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Learned counsel for the petitioner states that before the High Court it was specifically submitted that after an appeal is filed on the last day in view of Rule 5, Chapter 1, Part A of the Delhi High Court Rules, the appeal is to be treated as instituted on the date when the defects have been finally removed. If the limitation had been calculated on the aforesaid basis, the appeal would have been barred by 113 days. These facts were brought to the notice of the High Court.

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However, the same have neither been noticed nor considered by the High Court. If that be so, the remedy of the petitioner is to seek review before the High Court.

In view of the aforesaid observations, learned counsel for the petitioner seeks permission to withdraw the special leave petitions to approach the High Court. We order accordingly.

All the points are left open for the petitioner to argue before the High Court.

(Sukhbir Paul Kaur)
Court Master

(Indu Bala Kapur)
Court Master