

Sangeeta and ors. Vs. Delhi Development Authority and ors.

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Court : Delhi

Decided On : Nov-14-2014

Judge : Valmiki J. Mehta

Appellant : Sangeeta and ors.

Respondent : Delhi Development Authority and ors.

Advocate for Pet/Ap. : Mr. Vinay Gupta, Mr. Samson Honey, Mr. R. Ravi

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI + C.M.(M) No.54/2014 and C.M. Nos.697-700/2014 14th November, 2014 % SANGEETA & ORS. Through: Petitioners Mr. Vinay Gupta, Advocate with Mr. Samson Honey, Advocate and Mr. R. Ravi, Advocate. Versus DELHI DEVELOPMENT AUTHORITY & ORS. Respondents Through: S.I. Amarjeet Singh, P.S. Geeta Colony in person. CORAM: HONBLE MR. JUSTICE VALMIKI J.MEHTA To be referred to the Reporter or not?. VALMIKI J.

MEHTA, J (ORAL) 1. By this petition under Article 227 of the Constitution of India, the petitioners challenge the impugned order dated 17.9.2013 by which the first appellate court refused to condone the delay of 37 days in filing the appeal.

2. In my opinion, delay of 37 days is hardly such a delay which should not have been condoned because once there is delay, some amount of negligence is implicit, however, that itself is not a good ground to deny condonation of delay

because it is settled law in view of the judgment of the Supreme Court in the case of N.Balakrishnan Vs. M.Krishnamurthy AIR 1998 SC3222 that a person takes no benefit by deliberately delaying filing of an appeal.

3. There are two types of delays. First type of delays are those where delays are of a few weeks and in second type of cases delays are those of many months and even years. In the former types of cases, unless grave and serious prejudice is caused by the person who has filed the appeal with delay to the respondent or the appellant is guilty of malafides the delay should be condoned, I do not think that such delay of just 37 days ought not to have been condoned in the present case.

4. In view of the above, this petition is allowed. Impugned order dated 17.9.2013 refusing to condone the delay of only 37 days is set aside. The first appeal will now be heard and disposed of by the first appellate court in accordance with law. Parties are left to bear their own costs. VALMIKI J.

MEHTA, J NOVEMBER14 2014 Ne

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