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

+ RSA 41/2007

D.K.BATRA & ORS. Appellant
Through Mr. J C Mahindroo, Advocate

versus

H.P.STATE ELECTRICITY BOARD & ... Respondent
Through Mr. S C Sharma for R-1 and 2.

CORAM:

HON'BLE MISS JUSTICE REKHA SHARMA

ORDER
13.08.2008

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This appeal has been preferred against the judgment of the Senior Civil Judge dated November 4, 2006 dismissing the appeal of the appellant preferred against the judgment of the Civil Judge dated December 17, 2002 on the ground that the appeal preferred before the Senior Civil Judge was hopelessly barred by time.

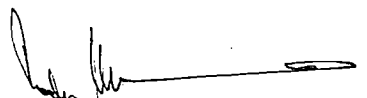
Learned counsel for the appellant has drawn my attention to the certified copy of the judgment of the Trial Court that was placed on the record of the proceedings before the Senior Civil Judge. It reveals that the judgment by the Civil Judge was passed on December 17, 2002. The certified copy of the judgment was applied for on December 23, 2002. The same was ready on February 17, 2003. Admittedly, limitation for filing the appeal before the learned Senior Civil Judge was 30 days. It is not disputed that if calculated from the dates aforementioned, the appeal which was filed on

Signature Not Verified March 11, 2003 was within time. It appears that the learned Senior

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Civil Judge by mistake had taken the date of the impugned judgment of the Civil Judge as February 17, 2002 instead of December 17, 2002. This is evident from paragraph 6 of the judgment where the learned Senior Civil judge has referred to the date of judgment as February 17, 2002 instead of December 17, 2002. In the above view of the matter, the judgment of the Senior Civil Judge is set aside with a direction to hear the appeal on merits.

The parties are directed to appear before the Senior Civil Judge on September 5, 2008. The Senior Civil judge will make an endeavour to dispose of the appeal as early as possible.


REKHA SHARMA, J.

AUGUST 13, 2008
PC.