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IN THE HIGH COURT OF DELHI AT NEW DELHI

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C.M. Appl. No.9929 of 2010 in Mac. Appeal No.338 of 2010

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03.06.2010

PAN KHAN

..... Appellant

Through: Mr. K.K. Dubey, Advocate.

Versus

SATYA PRAKASH & ORS.

.....Respondents

Through: None.

Reserved on: 24th May, 2010

Pronounced on: 3rd June, 2010

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

J U D G M E N T

1. By this order I shall dispose of an application under Section 5 of the Limitation Act made by the appellant for condonation of delay in filing the appeal.

2. It is stated by the appellant that due to accident, the appellant lost his livelihood as he was the sole bread winner. After receiving compensation under the award, the appellant slowly started coming out of the depression and he returned loans taken from relatives and friends. The appellant could not file appeal within the period of 90 days due to this reason and due to the fact that he was financially shattered, therefore, the delay in filing the appeal of 108 days be condoned.

3. The accident in this case had taken place on 7th February, 2006. The appellant had suffered 90 per cent locomotor impairment of his left upper limb, that is, his left hand.

He was treated for his injuries soon after the accident and his treatment had continued in all for a period of about eight months including his being an outdoor patient. It is, therefore, not believable that the appellant was under shock or depression even in the year 2009, that is, after four years of the accident. The appellant has not stated in the application or in the affidavit accompanying as to who were the friends and relatives on whom he had depended or who helped him or whose loans were returned by him. The plea of the appellant being under depression was just a bald plea without any material in support of it.

4. I consider that the delay in filing the appeal cannot be condoned on such a flimsy ground. I find no force in the application. The application is hereby dismissed. Accordingly, the appeal also stands dismissed.

SHIV NARAYAN DHINGRA J.

JUNE 03, 2010
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