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

+ LA.APP. 158/2012

PUNAM KAUL

.....

Appellant

Through: Mr. S.K. Rout & Mr. Virender Kumar,
Advocates

versus

UNION OF INDIA & ANR.

.....

Respondents

Through: Mr. Sanjay Kumar Pathak, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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09.10.2012

CM No.10312/2012 (u/S 5 of Limitation Act, 1963)

To explain delay of 720 days' in filing the accompanying appeal, applicant/ appellant relies upon certificate of employment of her husband, which indicates that husband of applicant alongwith applicant and her family were stationed at Bangalore from 1st May, 2008 till 31st January, 2012. The reason for not contacting their counsel, who had represented the applicant before the Reference Court, is that the said counsel had expired in the year 2010 and applicant, who is stated to be a senior citizen and a house wife, could not contact the associate counsel.

Notice.

Mr. Sanjay Kumar Pathak, Advocate, accepts notice of the application.

Signature Not Verified

Digitally Signed

By:AMULYA

Upon hearing and on perusal of the application and documents

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filed in support thereof, I find that applicant/appellant has been certainly negligent in preferring the accompanying appeal, but the negligence is not gross one and so delay can be condoned on terms.

Accordingly, this application is allowed and delay of 720 days' in filing the accompanying appeal is condoned, while making it clear that, in the event of applicant/ appellant succeeding in appeal, she will not be entitled to interest for the period of delay.

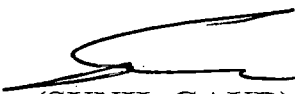
This application is allowed in aforesaid terms.

LA.APP. 158/2012

Counsel for appellant states that fate of this appeal is governed by decision of this Court in '*Ranbir Sharma Vs. Union of India and Anr.* 2012 (187) DLT 781.

Upon Notice, Mr. Sanjay Kumar Pathak, Advocate for respondent- UOI, does not dispute it.

After hearing counsel for the parties, it transpires that in view of decision of this Court in *Ranbir Sharma (supra)*, impugned judgment is unsustainable and hence, this appeal is disposed of in terms of decision in *Ranbir Sharma (supra)* with proportionate costs, while denying interest for period of delay of 720 days.


(SUNIL GAUR)
JUDGE

OCTOBER 09, 2012

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