

Court No. - 19

Case :- SECOND APPEAL No. - 204 of 1978

Appellant :- Ram Khelawan

Respondent :- Janki Prasad Singh @ Jabbar Singh And Others

Counsel for Appellant :- M.A. Khan, Mohd Aslam Khan

Counsel for Respondent :- S.K. Mehrotra, H.S. Sahai, U.S. Sahai

Hon'ble Jaspreet Singh, J.

The appeal is of the year 1978.

On 24.8.2023, this Court had passed the following order which reads as under:

"The record indicates that the Court on 15.12.2021 has passed an order taking steps on C.M.A. No. 168155 of 2021; C.M.A. No. 168157 of 2021; C.M.A. No. 168282 of 2021 & C.M.A. No. 168285 of 2021, however, since steps were not taken time, accordingly, the report of the Senior Registrar dated 07.05.2022 indicates that the steps along with an application seeking condonation of delay bearing I.A. No. 15 of 2022 was directed to be placed before the Court.

Apparently, thereafter certain applications were allowed and the appeal was also dismissed for want of prosecution on 01.03.2023.

In the meantime, an application bearing C.M.A. No. 17 of 2023 was moved seeking restoration of the appeal which was allowed by the Court on 27.07.2023 but the fact remains that the steps in terms of the order dated 15.12.2021, though, on record were not issued as no order could be passed on the delay condonation application.

Having noticed the aforesaid, the application bearing I.A. No. 15 of 2022 is allowed. The delay in filing the application is condoned.

Office is directed to take note of the aforesaid steps, verify the same and issue without any further delay, returnable at an early date considering that the appeal is of the year 1978.

In case if any defect in the steps is found, then the office shall put up its report within a week and the matter shall be listed before this Court immediately on the expiry of the aforesaid period, however, if the steps are found to be in order, the office shall do the needful as mentioned above and list this matter along with service report on 25th September, 2023."

As per office report dated 30.8.2023, the steps filed by the learned counsel for the appellant are incorrect.

Three days' time is granted to the learned counsel for the appellant to file correct steps, failing which the appeal shall stand dismissed without further recourse to the Court.

Order Date :- 1.11.2023

Shravan