

Ishwar Dutt vs. Hema Nand Sharma

CMP(M) No.988 of 2026

13.08.2026 Present: Mr.Rajul Chauhan and Ms. Ragini Dogra,
Advocates, for the applicant.

Mr. Vipin Pandit, Advocate, for the respondent.

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The instant application has been filed for condonation of delay in filing the present appeal. Though there is a considerable delay of 2 years, 8 months and 18 days in filing the appeal, however, as per the explanation which has been given in the application, it has been stated that the brother-in-law of the present applicant was severely ill and he was diagnosed with Hepatic Encephalopathy from subtle cognitive changes to severe confusion, personality alterations, disorientation, lethargy and coma.

As per the applicant, the brother-in-law was admitted in the Regional Hospital, Solan from 15.12.2024 to 20.12.2024. Unfortunately, the said relative of the applicant died on 29.12.2024 and death certificate has been appended with the present application. In the year 2025, the applicant's mental health took a severe turn on account of anxiety and depression and he was admitted in the Psychiatric Hospital, Dharampur from 04.07.2025 till

07.07.2025 under the treatment of Dr. Puneet Rana, Psychiatrist.

As per the application, it has been recorded in the history of the applicant that he had been facing severe anxiety, depression and aloofness since 2009. After being admitted in the hospital and on the basis of observation, he was diagnosed with BPAD (Bipolar Affective Disorder) from 2009, depression for the last 3 years and early Parkinsonism.

It has been stated that on the face of record, especially the medical records, the mental health of the present applicant was severely affected after 2009, which gradually developed into a more serious form and it became major in 2025. It has further been stated that in 2025, the real brother of the applicant suffered from severe typhoid fever and tuberculosis and due to his severe condition, he got admitted on 02.07.2025 and discharged on 07.07.2025 from ESI State Hospital, Parwanoo, where he was diagnosed with shortness of breath and put on anti-tuberculosis therapy.

Therefore, it has been stated that on account of the aforesaid explanation, there is a delay in filing the instant appeal, which is neither intentional nor willful, but occurred under unavoidable circumstances.

The notices were issued in the present matter on 24.06.2026. In pursuant thereof, Mr. Vipin Pandit, learned counsel, has put in appearance on behalf the respondent. He has no objection in case the present application is allowed.

Consequently, in view of the averments as made in the application, which is duly supported by an affidavit, and in view of the submissions as made by Mr. Rajul Chauhan and Ms.Ragini Dogra, Advocates, the present application is allowed, subject to payment of costs of Rs.10,000/- to be paid to the respondent within a period of two weeks from today. Accordingly, the application stands disposed of.

RSA No._____ of 2026

Appeal be registered.

Send for the records.

List for admission on 9th September, 2026. In the meantime, the learned counsel for the appellant is directed to supply the entire paperwork to learned counsel for the respondent.

**(Romesh Verma)
Judge**

August 13, 2026
(vt)