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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RSA 38/2015 and C.M. Nos.1400/2015 (stay), 1401/2015
(condonation of delay in re-filing) & 29016/2015 (under O. 41 R.22
CPC)

RAM SINGH

..... Appellant

Through: Mr. Ravi Aggarwal, Advocate.

versus

RAGHU RAM & ORS

..... Respondents

Through: Mr. G.C. Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **27.07.2016**

1. This Regular Second Appeal is filed against the judgment of first appellate court dated 25.2.2014 dismissing the first appeal as barred by time by refusing to condone the delay of 51 days in filing of the first appeal.

2. Counsel for the respondents very fairly states that the delay be condoned but on account of the costs incurred by all the respondents/defendants adequate costs be imposed upon the appellant/plaintiff. In the peculiar facts of this case, noting that the dispute is with respect to a property admeasuring 60 sq yds situated in village Jhareda being House No.T-13, PO Gopinath Bazar, Delhi Cantt, in my

opinion, interest of justice would be served by the appellant paying a sum of Rs.10,000/- as costs to the respondents/defendants. Costs be paid within a period of six weeks from today to the counsel for the respondents.

3. Appeal is accordingly allowed subject to payment of costs as aforesaid.

4. Let parties appear before the District & Sessions Judge (New Delhi), Patiala House Courts, New Delhi on 30th August, 2016 and the District & Sessions Judge will mark the first appeal for disposal to a competent court in accordance with law.

VALMIKI J. MEHTA, J

JULY 27, 2016

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