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

+ RSA 185/2015 and C.M. No. 8727/2015 (stay)

VINAY D TIWARI

..... Appellant

Through: Mr. Pawan Kumar Behl, Advocate.

versus

DDA & ORS

..... Respondents

Through: Mr. Ankit Goel, Advocate with Mr. Vaibhav Anand, Advocate for respondent No.1.  
Mr. M.L. Sharma, Advocate for respondent No.2.  
Mr. Rajeev Saxena, Advocate with Ms. Namrata Chauhan, Advocate for respondent No.3.

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

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**24.08.2016**

1. This Regular Second Appeal is filed against the judgment of the first appellate court dated 30.1.2015 dismissing the first appeal by refusing to condone the delay of approximately 50 days.

2. Learned counsel for the plaintiff/respondent no.2 very fairly states that judgment of the first appellate court be set aside but costs be awarded in favour of the plaintiff/respondent no.2 as costs of this litigation.

3. Accordingly, the impugned judgment of the first appellate court dated 30.1.2015 dismissing the first appeal as barred by time is set aside but subject to payment of costs of Rs.7,500/- to the counsel for the respondent no.2. Costs shall be paid to the counsel for the respondent no.2 within a period of six weeks from today.

4. Parties to appear before the District & Sessions Judge (North East), Karkardooma Courts, Delhi on 24<sup>th</sup> September, 2016 and the District & Sessions Judge will mark the first appeal for disposal to a competent court in accordance with law. The first appellate court is requested to make endeavours to ensure that arguments in the first appeal are completed within three months from the first date fixed in the appeal before the concerned court.

5. Appeal is disposed of in terms of aforesaid observations.

**VALMIKI J. MEHTA, J**

**AUGUST 24, 2016**

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