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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RSA 167/2016 and C.M. Appl. Nos. 23631/2016 (for stay, U/O 41 Rule 5 r/w Section 151 CPC), 23632/2016 (for exemption)

LAXMI DEVI & ANR

..... Appellants

Through: Mr. R.K. Jain, Advocate.

versus

RAVI SHANKAR

..... Respondent

Through: Mr. Rakesh Srivastava, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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20.09.2016

1. It is agreed that the impugned order dated 4.5.2016 dismissing the appeal as time barred is erroneous because if time taken for obtaining the certified copy is excluded the first appeal would have been under limitation.
2. Counsel for the respondent agrees that the impugned order be set aside and the first appellate court be directed to decide the appeal on merits.
3. Ordered accordingly.

4. Parties are directed to appear before the District and Sessions Judge (West), Tis Hazari Courts, Delhi on 5th October, 2016 and the District and Sessions Judge will mark the first appeal being RCA No.06/16/15 to a competent court for disposal in accordance with law.

VALMIKI J. MEHTA, J

SEPTEMBER 20, 2016

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