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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 604/2015 & C.M. No.11607/2015

SHANTI DEVI

..... Petitioner

Through Mr.S.K.Jain, Advocate.

versus

MANGAL SAIN

..... Respondent

Through Mr.Abhimanyu Kumar, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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16.02.2016

Vide the impugned order the Appellate Court had exercised its discretion and condoned the delay of 20 days in filing the appeal. The application under Section 5 of the Limitation Act accompanying the appeal has disclosed that the suit of the plaintiff was dismissed on 23.12.2014; the courts were closed due to winter vacation from 25.12.2014 to 01.01.2015. The petitioner/appellant came to know about the impugned order only on 29.01.2015 as although he was in constant touch with the court staff to learn about the fate of the case but he was told that the judgment had not yet been delivered. If the date of knowledge is counted and the delay is counted from 29.01.2015 his appeal would be in time.

The Appellate Court while allowing the application seeking condonation of delay had noted these facts in the correct perspective and noted that a liberal view should be taken when there appears no

malafide intention of the appellant in approaching the appellate Court. This discretion having been exercised fairly and judiciously, the impugned order calls for no interference. The petition is without any merit. Dismissed.

INDERMEET KAUR, J

FEBRUARY 16, 2016
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