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

+ LPA 603/2016

MAHENDER KUMAR & ORS Appellants

Through: Mr. N.S. Vasisht with Mr. Vishal
Singh and Ms. Jyoti Kataria, Advs.

Versus

UNION OF INDIA & ANR Respondents

Through: Mr. Yeeshu Jain with Ms. Jyoti
Tyagi, Advs. for R-1.
Mr. Sanjeev Sabharwal, Standing Counsel, DDA
with Mr. Hem Kumar, Adv. for DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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03.11.2016

CM No.40773/2016 (*exemption*)

Allowed, subject to all just exceptions.

CM No.40774/2016 (*condonation of delay in filing the appeal*)

For the reasons stated in the application, delay in filing the appeal is
condoned.

The application stands disposed of.

LPA No.603/2016 & CM No.40772/2016 (*stay*)

The appellant herein filed CM No.18939/2016 seeking leave of the
court to pay the court fees on realisation of the amount awarded by the
Reference Court. By order dated 18.05.2016, the learned Single Judge

extended the time for payment of the deficit court fees till 23.08.2016. On 23.08.2016, the appellants herein were granted further time of eight weeks for payment of the deficit court fees. It was also added that in the event of non-compliance, the appeal will be liable to be dismissed on the next date of hearing.

The said orders dated 18.05.2016 and 23.08.2016 are assailed in this appeal. We have heard the learned counsel for both the parties.

Having regard to the fact that no reasons were assigned either in the order dated 18.05.2016 or in the order dated 23.08.2016, we do not wish to express any opinion on various contentions advanced on behalf of the appellants. Instead, we consider it appropriate to dispose of the appeal with a request to the learned Single Judge to pass an appropriate order in accordance with law on the next date of hearing. The appellants are at liberty to urge all the grounds raised in the present appeal before the learned Single Judge. It is made clear that the orders under appeal shall not be treated as conclusive on CM No.18939/2016 filed by the appellants herein.

Appeal is accordingly disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

NOVEMBER 03, 2016

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