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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) 38/2016

SONJOY CHATTERJEE

..... Appellant

Through : Ms Anisha Banerji, Advocate.

versus

SOLIL CHATTERJEE

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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08.02.2016

CM No.4571/2016(exemption)

Exemption is allowed, subject to all just exceptions.

CM No.4573/2016(delay in re-filing for 20 days)

The delay in re-filing is condoned.

The application stands disposed of.

CM No.4572/2016(condonation of delay of 39 days) & FAO(OS) 38/2016

There is a delay of 39 days in filing this appeal.

The reason given by way of explanation of the delay is set out in paragraphs 2 & 3 of the application, which reads as under:-

“It is most respectfully submitted that the counsel for the appellant No.1 had received instructions to file the above-mentioned appeal and had prepared the same under the misconceived notion that the same could be filed within 90 days from the date of the order after excluding the time that was required in procuring a certified copy of the said order. In these circumstances, the counsel was *bona fide* under the impression that the accompanying appeal could be filed.

It is most respectfully submitted that the delay of 39 days in the period between 31/10/2015 to 30/11/2015 was caused because the *bona fide* error on the part of the counsel

for the appellant. The said delay was inadvertent and for reasons beyond their control of the appellant.”

Ignorance of law cannot be a reason. Consequently, the appeal is beyond time. This application is dismissed and so is the appeal.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

FEBRUARY 08, 2016

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