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

+ CRL.REV.P. 86/2017 & Crl.M.A. 1377/2017

VIKAS KAMAL

..... Petitioner

Through Mr.Braj Kishore Ray, Adv.

versus

PINKI KAMAL @ INDU & ORS.

..... Respondents

Through Mr.Rohit Sharma, Adv. with  
Mr.Ishan Ahmad, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

% **12.07.2017**

Learned counsel for the petitioner has limited his prayer to setting aside of the order of the Appellate Court whereby the appeal of the petitioner was dismissed on grounds of limitation.

Learned counsel for the petitioner submits that though the Appellate Court has given a detailed reasoning for not acceding to the request of the petitioner for condoning the delay in preferring the appeal, nonetheless the Appellate Court lost the sight of the fact that the dispute was between husband and wife and such a strict view with respect to the limitation ought not to have been adopted.

The appellate order reflects that the delay in preferring the appeal was not condoned as the petitioner had sufficient opportunity of challenging the interim order and secondly, what was challenged was only an interim order and that the petitioner would have sufficient opportunity in future to

challenge the final order passed by the court below.

Heard the learned counsels for the parties.

Taking into account the submission of the petitioner and finding that the dispute is between husband and wife, which matter could be settled by the Appellate Court, this Court deems it expedient, considering the nature of the case and the status of the parties, to set aside the appellate order and remand the case to the court of appeal for writing out a fresh order after hearing the parties.

This revision petition is allowed in terms of what has been indicated above.

The case is directed to be listed before the Appellate Court on 24.07.2017, on which date, subject to the availability of time and the convenience of the learned lawyers appearing for the parties, the Court will decide the issue on merits of the application.

In the mean time, interim order passed by this Court vide order dated 24.01.2017 shall remain operative.

This revision petition is disposed of.

**ASHUTOSH KUMAR, J**

**JULY 12, 2017**  
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