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

+ CM(M) 175/2017

SHRI RAM TRANSPORT FINANCE COMPANY LTD.....Petitioner

Through Mr.Manish Sharma, Advocate

versus

AZAD SINGH

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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14.02.2017

CM No.5786/2017

Exemption allowed, subject to all just exceptions.

CM(M) 175/2017 & CM No.5785/2017 (stay)

Basically the petitioner is aggrieved by order dated 30.09.2016 whereby the appeal filed by the respondent has been heard and allowed ignoring that earlier on 02.08.2016, the court had condoned the delay in filing the appeal subject to payment of costs of Rs.2,000/-.

Learned counsel for the petitioner submits that the costs have not been paid, meaning thereby that the delay in filing the appeal has not been condoned. He submits that despite this, the concerned court heard the appeal and passed the judgment.

Liberty is granted to the petitioner to approach the concerned court with an appropriate application in this regard. In case any such application is filed, the same may be dealt with in accordance with law.

Learned counsel appearing for the petitioner, at this stage, submits that by the impugned order the appellate court has also directed the vehicle TATA LPK 2518 FBT bearing registration No.HR 38 S 0244 which had

been seized from the respondent be released to the respondent. The petitioner is given liberty to move an appropriate application for stay before the appellate court. In case such an application is filed the appellate court may consider the same, as per law.

With the above observations, the present petition and all pending applications stand disposed of.

Dasti.

JAYANT NATH, J

FEBRUARY 14, 2017

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