

**CM No. 17453-CII of 2017in/and
FAO No. 5456 of 2017(O&M)
Date of Decision: 18.1.2018**

Mukesh

---Appellant

versus

Baldev Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. N.K.Malhotra, Advocate
for the appellant**

Rekha Mittal, J.

CM No. 17453-CII of 2017

Prayer in this application is for condoning delay of 2012 days in filing the appeal.

Counsel for the applicant-appellant has submitted that the law with regard to condonation of delay is quite liberal and meritorious claim of a litigant should not be rejected on mere technicalities or procedural lapses. It is argued that as the applicant engaged a counsel who failed to file the appeal has left practice and shifted to Mumbai, applicant should not be made to suffer on account of remiss on the part of his earlier counsel.

There is delay of 2012 days in filing the appeal. The applicant is silent about the name of lawyer engaged by the applicant who failed to file the appeal. Counsel for the applicant is not in a position to advance any arguments much less meaningful to prove sufficient cause for condonation of huge delay of more than three years. It appears that plea raised by the applicant is nothing but a story concocted by him in order to justify delay of 2012 days in filing the appeal. As the plea raised by

the applicant appears to be patently false, applicant does not deserve indulgence in exercise of discretionary jurisdiction of the court. That being so, application for condonation of delay is liable to be dismissed and ordered accordingly.

As the application for condonation of delay has been dismissed, appeal is hereby dismissed being barred by limitation. No order as to costs.

(Rekha Mittal)
Judge

18.1.2018

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No