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

Date of decision: 01.11.2019

+ LPA No.658/2019

RAJINDER SINGH Appellant

Through Mr.Deepak Chhabra, Adv. with
Mr.Rajat Vats, Adv.

versus

GOVT OF NCT OF DELHI Respondent

Through Mr.Ankur Chhibber, Adv. with
Mr.Bhanu Gupta, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, Chief Justice (Oral)

CM No.44969/2019 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM No.44970/2019 (for condonation of delay in filing the appeal)

This application has been preferred under Section 5 of the Limitation Act for condonation of delay of 200 days in preferring this appeal.

Having heard the counsel for the appellant and looking into the reasons stated in the application, there are reasonable grounds for condonation of delay. We hereby condone the delay of 200 days in

preferring this appeal.

The application is allowed and disposed of.

CM No.44971/2019 (for condonation of delay in refiling)

This application has been preferred under Section 5 of the Limitation Act for condonation of delay of 134 days in re-filing this appeal.

Having heard the counsel for the appellant and looking into the reasons stated in the application, there are reasonable grounds for condonation of delay. We hereby condone the delay of 134 days in refiling this appeal.

The application is allowed and disposed of.

LPA No.658/2019

The present appeal has been preferred by the appellant who was the original petitioner in WP(C) No.8304/2018, which was dismissed by the learned Single Judge vide judgment and order dated 29.08.2018 (Annexure P-1 to the LPA) whereby the claim of this appellant (original petitioner) for getting compensation of Rs.2,00,000/- was not accepted by the learned Single Judge.

Having heard learned counsel for the parties and looking to the facts and circumstances of the case, it transpires that the appellant (original petitioner) has prayed for ex gratia payment of Rs.2,00,000/- as compensation for families of 1984 riot victims who had migrated to Punjab.

Looking to the facts of the case and looking to the order passed by the Sub-Divisional Magistrate, Patel Nagar, Delhi, dated 16.08.2017 (Annexure P-3 to the memo of this LPA), it appears that

this appellant (original petitioner) had not produced any evidence of migration to Punjab because of 1984 riots before the concerned authority. Thus, in absence of establishment of this fact, the claim of this appellant (original petitioner) for getting the ex gratia payment of Rs.2,00,000/- was rejected by Sub-Divisional Magistrate, Patel Nagar, New Delhi.

Looking to Clause XII of the guidelines which are pointed out by the learned Single Judge in paragraph 5 of the impugned order dated 28.08.2018, this appellant is not entitled for any ex gratia payment as the facts required for the said ex gratia payment, could not be established by this appellant. These aspects of the matter have been properly appreciated by the learned Single Judge while deciding the writ petition preferred by the appellant in WP(C) No.8304/2018 vide the judgment and order dated 29.08.2018.

We are in full agreement with the reasons given by the learned Single Judge in the impugned judgment and order dated 29.08.2018. No error is committed by the learned Single Judge while deciding the writ petition preferred by this appellant (original petitioner).

Hence, there is no substance in the appeal filed by the appellant and the same is dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

NOVEMBER 01, 2019/aa