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

+ **CRL.L.P. 177/2017**

HINDUSTAN ENTERPRISES

..... Petitioner

Through: Mr Siddhant Sharma, Advocate.

versus

BREPO SYSTEMS (INDIA) PVT LTD. & ORS. Respondents

Through: Mr Kapil Jain and M Deepak Jain,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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02.09.2019

CRL.M.A. 5117/2017

1. The petitioner has filed the present application under Section 5 of the Limitation Act, 1963, *inter alia*, praying for the condonation of delay of 263 days in filing the appeal against an order dated 29.03.2017 passed by the learned Metropolitan Magistrate, Rohini District Courts, Delhi.

2. It is seen that the said application is bereft of any explanation whatsoever. The learned counsel appearing for the applicant has drawn the attention of this Court to Paragraph no. 3 of the said application in order to substantiate his submission that the delay has been sufficiently explained. The said paragraph is set out below:-

“3. That the above said matter was dismissed for want of prosecution as the previous counsel for the Applicant has failed to pursue the matter with due diligence and

the Appellant did not know of the Impugned order only until much later.”

3. It is clear from the above that the only explanation provided in the aforesaid Paragraph is the reason why the applicant’s complaint had been dismissed by the trial court. There is no mention as to the reasons for the delay in filing the present appeal. It is also trite law that each and every day of the delay has to be explained.

4. Consequently, the application is dismissed.

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5. In view of the above, the appeal is also dismissed.

VIBHU BAKHRU, J

**SEPTEMBER 02, 2019
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