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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RSA 24/2020 & CM No.5562/2020**

PRAVEEN KUMAR & ANR Appellants
Through **Mr.Pankaj Kr. Singh and Mr.Ranjan Kumar, Advs.**

versus

RAM DEV Respondent
Through **Mr.Anuj Kr. Garg, Adv.**

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **19.02.2020**

1. This appeal has been filed challenging the judgement and order dated 24.10.2019 passed by the learned Additional District Judge-02, South-West, Dwarka, New Delhi (hereinafter referred to as the 'Appellate Court') in RCA No.15/2019, titled *Sh. Praveen Kumar and Another v. Sh. Ram Dev*.
2. By the impugned judgement and order, the learned Appellate Court has been pleased to dismiss the appeal, both on the question of limitation as also on the merits.
3. The learned Appellate Court held that there was a delay of 7 days in filing of the appeal for which the appellants sought to place the blame on the erstwhile counsel. The learned Appellate Court held that casting blame for delay in filing of the appeal on the counsel, who represented the party before the learned Trial Court does not take the case of the appellants any further and, therefore, dismissed the appeal as being time-barred.
4. Having heard the learned counsels for the parties, it is first noticed that the appeal before the learned Appellate Court was not barred by only

seven days; there was in fact a larger delay in filing of the appeal. Be that as it may, the application seeking condonation of delay explains the reasons for such delay, which I find to be sufficient cause. I, therefore, find that the learned Appellate Court erred in not condoning the delay in filing of the appeal. This position is agreed to by the learned counsel for the respondent as well.

5. The learned counsels for the parties at this stage, jointly request that the matter be remanded back to the learned Appellate Court for consideration of the appeal afresh on merits. The learned counsel for the respondent further prays that the appeal be decided expeditiously.

6. Having considered the submissions made by the learned counsels for the parties, the Impugned Judgement and Order dated 24.10.2019 in RCA No.15/2019, titled *Sh. Praveen Kumar and Another v. Sh. Ram Dev*, is set aside and the First Appeal on its restoration is remanded back to the Court of the learned District Judge, South-West, Dwarka, New Delhi, who may hear the appeal afresh on merit himself, or assign the same to a competent Court other than the Judge who had passed the Impugned Judgement and Order.

7. The parties shall appear before the Court of the learned District Judge, South-West, Dwarka, New Delhi on 4th March, 2020.

8. The learned Appellate Court is requested to dispose of the appeal as expeditiously as possible and preferably within a period of three months from the date of its first listing.

9. The appeal is disposed of in the above terms, with no order as to cost.

NAVIN CHAWLA, J

FEBRUARY 19, 2020/Arya