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

% Judgment delivered on: 09.03.2022

+ **FAO 56/2022 & CM.APPL.12180-81/2022**

MAHESH KUMAR Appellant

versus

DELHI DEVELOPMENT AUTHORITY & ANR. Respondent

FAO 57/2022 & CM.APPL.12182-83/2022

PRATAP SINGH RATHI Appellant

versus

DDA & ANR. Respondent

AND

FAO 58/2022 & CM.APPL.12184-85/2022

RAJINDER Appellant

versus

DDA & ANR. Respondent

Advocates who appeared in this case:

For the Appellants: Mr.Abhijat and Mr. Jatan Singh, Advocates.

For the Respondent: Ms. Shobhana Takiar, Advocate for DDA (Through VC)
Mr. Ajjay Aroraa, Standing Counsel with and Mr.Kapil
Dutta, Advocates for SDMC.



CORAM:-
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Appellants impugn orders dated 03.03.2022, whereby the trial court while issuing notice to the respondents has vacated the stay order granted on 05.02.2022.
2. The trial court has noticed the contention of learned counsel for the appellant that his son was suffering from COVID. The counsel for the appellant was connected through VC and a proxy counsel was present in the Court, who erroneously mentioned that counsel was suffering from COVID and the trial court has held that the court was not satisfied with the reasons stated therein.
3. It is submitted by counsel for the appellant that son of the counsel was unwell being Covid Positive and the family was under home quarantine and even the office of the counsel was not functional, because of which the process fee could not be filed.
4. The appeal is also accompanied with an affidavit of the counsel, who has deposed to the above effect.
5. It is noticed that by order dated 05.02.2022, while issuing notice, the trial court had directed that the order impugned in the



appeal dated 01.11.2021 shall be kept in abeyance till the next date.

6. By order dated 03.03.2022, while the interim has been vacated, notice has been issued returnable on 21.03.2022.

7. Issue notice. Notice is accepted by learned counsel for respondents.

8. The affidavit of the counsel categorically states that the counsel was on home quarantine and the office was also not functional. Medical record annexed shows that the son of the counsel was Covid Positive.

9. The impugned order records that the counsel was connected through VC. The trial has not believed the statement of the counsel and has gone primarily on the statement of the proxy counsel who was present in Court.

10. Even otherwise since the counsel and son of the counsel are residing in the same premises, there is no ground to disbelieve the statement of the counsel that he was in home quarantine.

11. The appeal is listed before the trial court on 21.03.2022. Accordingly, in view of the above, these appeals are allowed. The interim order granted on 05.02.2022 by the trial court shall continue to operate till 21.03.2022.



12. Since the subject appeals are listed before the Trial Court for service of the Respondents for 21.03.2022, let copy of the appeal paper books be served on the Respondents through the respective counsel for the respondents.

13. Appeals are accordingly allowed in the above terms.

MARCH 09, 2022
NA

SANJEEV SACHDEVA, J



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