



2024:DHC:1213



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **RSA 30/2024**

SHRI BRAHAM PRAKASH Appellant
Through: Mr. Sanjeev Rawat and Mr.
Yash Preet Singh, Advs.

versus

SHRI ROHTASH AND ANR Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)% **15.02.2024****RSA 30/2024 and CM APPL. 9148/2024 (for condonation of delay of 1650 days in filing)**

1. This is a second appeal filed after a delay of 1650 days.
2. The appeal is accompanied by CM APPL. 9148/2024, seeking condonation of delay.
3. The grounds for condonation are contained in paras 3 to 5 of the application, which reads thus:

“3. That the appellant is layman and belongs to a rural area and he has no knowledge about the court proceedings.

4. That the appellant engaged two Counsels before Trial Court and before Appellate Court and both of them have been appointed for Govt. job i.e. One Counsel has been appointed as A.P.P and other Counsel has been appointed as Judicial Officer in Uttar Pradesh and his above said both Counsels have not intimated to the appellant about and the appellant was not aware

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about passing the above said impugned order dated 30.04.2019 passed by the HON'BLE COURT OF SHRI NEERAJ GAUR, LD. ADJ, ROHINI COURTS, NEW DELHI, IN RCA NO. 92/2018 TITLED AS "SHRI BRAHAM PRAKASH AND ANR VERSUS SHRI ROHTASH" hence the appellant could not file the appeal against the impugned order dated 30.04.2019, within stipulated period of limitation.

5. That if the delay in filing the accompanying appeal is not condoned, then the appellant shall suffer an irreparable loss which cannot be compensated in any manner.”
4. It is obvious that the grounds urged do not make any case for condonation of delay, least of all of a delay as colossal as 1650 days.
5. It is also obvious that this application has been filed in a completely perfunctory manner.
6. The appointment of the first Counsel engaged by the appellant as a Judicial Officer took place prior to the passing of the impugned first appellate order on 30 April 2019. It cannot, therefore, in any manner of speaking, constitute a ground to condone the delay in filing the present second appeal.
7. The second ground urged is that another Counsel engaged by the petitioner has been appointed as Additional Public Prosecutor (APP). There are no details of said Counsel, or when he was appointed as APP. Mr. Rawat, on being queried in this regard, is also unaware of these details.
8. Even if it were to be assumed that the appellant's Counsel was appointed as APP, it can hardly constitute a ground for condonation of delay of 1650 days.



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9. The appellant has also been completely remiss in prosecuting the proceedings before the Court below. He never appeared before the learned Trial Court and chose to lead no evidence, resulting in the order dated 23 July 2018 being passed by the learned Trial Court. Before the learned First Appellate Court, the only ground taken was that the appellant's Counsel had been appointed as a Judicial Officer.

10. The process of law cannot help the indolent, who sleep over their rights.

11. In the aforesaid circumstances, no ground for condoning the delay in filing the appeal is made out.

12. CM 9148/2024 is, therefore, dismissed.

13. The present second appeal is also, therefore, dismissed on the ground of delay.

CM APPL. 9145/2024 (stay), CM APPL. 9146/2024 (Exemption) and CM APPL. 9147/2024 (call for record)

14. These applications do not survive for consideration and stand disposed of.

C.HARI SHANKAR, J

FEBRUARY 15, 2024

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[Click here to check corrigendum, if any](#)