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

+ **CRL.M.C. 4510/2023 & CrI. MA 17267/2023**

SANGEETA

..... Petitioner

Through: Ms. Gunjan Sinha Jain, Advocate
(DHCLSC).

versus

RENU & ORS

..... Respondents

Through: Mr. Archit Vasudeva, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

09.01.2024

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1. By way of present petition filed under Section 482 Cr.PC, petitioner seeks setting aside of the order dated 28.02.2023 passed by learned ASJ, North-East District, Karkardooma Courts, Delhi whereby the petitioner's appeal assailing the order dated 17.08.2022 passed by learned MM(Mahila Court), North East District, Karkardooma Courts, Delhi was dismissed solely on the ground of limitation.
2. Learned counsel for the petitioner states that the petitioner vide the aforesaid appeal had challenged the order dated 17.08.2022 passed by the learned MM whereby the respondent Nos. 3, 5 and 6 were dropped from the array of parties without assigning any cogent reasons.
3. A perusal of the impugned order would show that petitioner's appeal was decided not on merits but only on the ground that the appeal was delayed by a period of 63 days. It is important to note that the said appeal was accompanied by an application under Section 5 of the Limitation Act,



whereby the petitioner had explained the said delay of on account of her bad health. The said application was also statedly accompanied by the requisite medical documents.

4. Though the petitioner was delayed in approaching the Appellate Court, however rights of the petitioner have been detrimentally affected by the order dated 17.08.2022 passed by the learned MM.

5. In view of the above, this Court deems it fit that the appeal be decided on merits rather than on a technical ground. Courts have to be liberal while considering an application under Section 5 of the Limitation Act. Accordingly, the impugned order dated 28.02.2023 is hereby set aside and the appeal is restored to its original number. The said appeal be listed at the first instance on 05.02.2023.

6. The present petition alongwith pending application is disposed of in above terms.

7. A copy of this order be communicated to the concerned Court.

MANOJ KUMAR OHRI, J

JANUARY 9, 2024/rd