



2024:DHC:2105



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ RSA 128/2023 & CM APPL. 35960/2023, CM APPL.
35962/2023 & CM APPL. 35963/2023

SMT RAJ RANI THROUGH HER AUTHORIZED
REPRESENTATIVE SH SANJAY SHARMA Appellant
Through: Mr. Abhay Mani Tripathi and
Ms. Radhika Sharma, Advocates

versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through: Ms. Mrinalini Sen, Standing
Counsel for DDA

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****J U D G M E N T (O R A L)**

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13.03.2024**CM APPL. 35962/2023**

1. This is an application for condonation of delay of 1991 days in preferring RSA 128/2023.
2. The order under challenge is dated 19 April 2017.
3. The explanation provided in the present application, for condonation of inordinate delay in preferring the appeal is as under:
 - (i) After the impugned order was passed on 19 April 2017, the previous counsel who was dealing with the appellant's case had the relevant papers, required for challenging the impugned

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Page 1 of 4



2024:DHC:2105



order, signed by the appellant in May 2017.

(ii) During the period 2018-2019, the appellant contacted the previous counsel “several times”, seeking to know the status of the case but was assured, on each occasion, that the matter would be listed shortly. It is also averred that the appellant was visiting the office of the counsel at Uttam Nagar regularly, but was given the same assurance. Besides this, there are no particulars about any dates on which the appellant had contacted the counsel. No documentary or other evidence substantiating this assertion is on record either.

(iii) In the third week of December 2019, “one unknown person” – whose identity is also not disclosed – informed the appellant that the earlier counsel was “making a fool of him” and had not filed the requisite appeal. The identity of the unknown person remains unknown.

(iv) In December 2019, the son of the previous counsel for the appellant asked the appellant to sign some papers stating that they would file a fresh case before the district court. This made the appellant’s son suspicious. He, therefore, instituted a Complaint Case against the previous counsel of the appellant on 10 February 2020 before the Bar Council of Delhi.

(v) Thereafter, COVID-2019 intervened.



2024:DHC:2105



(vi) It may be noted that, as the time for filing the appeal elapsed much prior to 15 March 2022, which was the cut-off date fixed by the Supreme Court in *Re: Cognizance for Extension of Limitation Suo Motu Writ Petition (C) 3/2020¹* for extension of time for filing legal proceedings during the pendency of the Covid-19 pandemic, the appellant would not be entitled to the benefit of the orders passed by the Supreme Court in the said petition.

(vii) Even if it were to be assumed that the benefit of the orders passed by the Supreme Court was to be available to the appellant, the next date in the sequence of events outlined in the application for condonation of delay is 18 August 2022, which was a full six weeks after 28 February 2022, when the beneficial dispensation provided by the Supreme Court during the COVID-19 pandemic came to an end. The appellant claims to have engaged a new counsel on 18 August 2022. The name of the counsel is also not indicated.

(viii) Thereafter, it is stated that the appellant fell ill, and was not in a position to sign the documents. She ultimately executed a Special Power of Attorney (SPA) on 5 September 2022 in favour of her son Sanjay Sharma.

(ix) Thereafter, the wife of the counsel engaged by the appellant fell ill and she is stated to have ultimately passed away



2024:DHC:2105



on 26 October 2022.

(x) The index of the present appeal is dated 12 February 2023.

(xi) There is no explanation for the period between October 2022 and November 2023 either.

4. It is clear that there is no satisfactory explanation forthcoming to condone the inordinate delay of as many as 1991 days in preferring the present appeal against the order passed by the learned District Judge as far back as on 19 April 2017.

5. The application for condonation of delay is accordingly dismissed.

6. RSA 128/2023 is also, therefore, dismissed along with all other applications pending in the said appeal, on the ground of delay.

C. HARI SHANKAR, J.

MARCH 13, 2024

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Click here to check corrigendum, if any