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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(COMM) 337/2024**

MODERN COTTON YARN SPINNER LTDAPPELLANT

Through: Mr Abhishek Kaushik, Advocate.

versus

M/S MIS SHARMAN UDYOG PVT. LTDRESPONDENT

Through: None.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

ORDER

% **20.08.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 47663/2024

1. Allowed, subject to just exceptions.

CM APPL. 47664/2024 *[Application filed on behalf of the appellant seeking condonation of delay of 451 days in filing the appeal]*

2. This is an application filed on behalf of the appellant to seek condonation of delay in filing the appeal.

2.1 Even according to the appellant, there is delay of 451 days in filing the appeal.

3. The judgment and decree assailed in the accompanying appeal is dated 03.08.2022.

4. The trial court has decreed the suit in favour of the respondent/plaintiff for Rs.14,86,405/-, along with interest @ 12% per annum, commencing from the date of institution of the suit till its realization.

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5. The only reason given in the application for explaining the delay is that the person handling the affairs of the appellant was suffering from various ailments.

5.1 Furthermore, it is submitted that a local lawyer was consulted for seeking guidance and only then it was realised that crucial documents required to be garnered for instituting the appeal had been misplaced.

6. Significantly, neither the name of the officer nor the ailment that he suffered is disclosed.

6.1 The medical record of the officer has also not been placed on record.

7. According to us, the reasons stated in this application are merely lame excuses to explain the delay which, as noticed above, is substantial.

8. For the foregoing reasons, we are not inclined to condone the delay.

9. The application is, accordingly, dismissed.

RFA(COMM) 337/2024 and CM APPL. 47662/2024 [Application filed on behalf of the appellant seeking interim relief]

10. In view of the order passed in CM Appl. 47664/2024, nothing further remains to be done in the above-captioned appeal and the above-captioned application.

11. The appeal and application are, accordingly, closed.

12. Case papers shall stand consigned to the court record.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 20, 2024/tr

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