



\$~50

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

+ **CRL.L.P. 431/2024, CRL.M.A. 26272/2024**

JMD BUSINESS CORPORATION

.....Petitioner

Through: **Mr.S.K Sangwan & Mr.Keshav Hans,**
Advts.

versus

VIKRANT ENGINEERING WORLD PVT LTD & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

02.09.2024

%

CRL.M.A. 26272/2024 (delay of 379 days) & CRL.L.P. 431/2024

1. The present petition has been filed challenging the impugned order dated 29.05.2023 whereby the Case No. 20044/2016 filed under Section 138 of Negotiable Instruments Act was dismissed in default.
2. Along with the present petition an application being CRL.M.A. 26272/2024 has been moved seeking condonation of delay of 379 days in filing the petition.
3. The learned counsel for the petitioner submits that the petitioner could not appear before the learned trial court and thereafter could not file the present petition within the time stipulated as there were family disputes.
4. The learned counsel submits that the petitioner could not appear on 17.11.2022 due to the death of the relative and in March, 2023, the



dispute in the family started and the petitioner had to shift to his native place to sort out the said dispute. The learned counsel submits that for this reason, the petitioner also could not contact his client.

5. In *Basawaraj and Anr. vs. Special Land Acquisition Officer*, (2013) 14 SCC 81, the Supreme Court has inter alia held that the discretion to condone the delay has to be exercised judiciously based upon the facts and circumstances of each case. It was also observed that even though limitation may harshly affect rights of the parties but it has to be applied with all its rigour as prescribed under the statute as the courts have no choice but to apply the law as it stands and they have no power to condone the delay on equitable grounds.
6. The limitation provided for filing the appeal within 60 days. However, the present petition has been filed after a delay of 379 days. For the condonation of delay, there must be sufficient cause. Though the courts have taken a liberal view while condoning the delay, but at the same time, the delay cannot be condoned at the mere asking. The reasons explained in the present petition for condonation of delay are not being supported by any cogent material or document. I consider that there is no sufficient cause for condonation of delay. Hence, the application for condonation of delay is dismissed.
7. In view of the order passed in the application for condonation of delay i.e. CRL.M.A. 26272/2024, the present petition i.e. CRL.L.P. 431/2024 also stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 2, 2024/rb/kr