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

+ LPA 73/2025 & CM APPL. 5611/2025, CM APPL. 5612/2025, CM APPL. 5613/2025, CM APPL. 5614/2025, CM APPL. 5615/2025

SMT DEEPA KUSHWAHA

.....Appellant

Through: Mr. Jitender Mehta, Mr. Lalit Kumar
and Mr. Shivam Pahal, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Sahaj Garg, SPC and Mr. Yash
Tyagi,, G.P. for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

03.02.2025

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CM APPL. 5615/2025

1. This is an application under section 151 of the Code of Civil Procedure, 1908 read with section 5 of the Limitation Act, 1963 on behalf of the applicant/appellant seeking condonation of delay of 212 days in filing the present appeal.

2. We find from the record that the impugned judgement was passed by the learned single Judge on 30.05.2024, granting 3 months' extension from the date of the order for continuing to occupy the stall/unit. That time expired on 01.09.2024. Even after the expiry of 3 months on 01.09.2024, the applicant/appellant did not prefer any appeal against the impugned order. It appears that the applicant/appellant has now woken up after gathering the information that other affected persons have been granted further extension



of time. In those cases the appellants therein were vigilant enough to approach this Court on time. It is trite that courts indulge in the vigilant not the complacent.

3. It is relevant to consider the averments in the application seeking condonation of delay which reads thus:

“4. That due to lack proper guidance he could not take decision to file the LPA immediately after the passing of the impugned judgment. Hence the LPA was not filed in time and delay was caused in filling the LPA before this Hon 'ble court.

5. That the delay in filling the LPA was not deliberate or intentional but due to the above bonafide sufficient cause. The Appellant has Prima facie good merit in their favour and they have hope of favorable result of success in the appeal. The Respondents in any case would not be prejudiced.”

4. The aforesaid explanation as stated in the application does not even constitute a reason much less a “*sufficient cause*” to condone the immense delay in filing the accompanying appeal.

5. Accordingly, we do not accede to the request of the applicant/appellant to condone the delay. Hence the same is dismissed.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

FEBRUARY 3, 2025

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