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

+ LPA 82/2025 & CM APPL. 6422/2025, CM APPL. 6423/2025, CM APPL. 6424/2025

MEGHNA RAJENDRA KUMARAppellant

Through: Mr. Chandan Kumar, Mr. Dinesh Kumar Tiwary and Mr. Shubham Rai, Advocates.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Vikrant N. Goyal, Mr. Nitin and Mr. Nishu, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **03.02.2025**

CM APPL. 6424/2025

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 139 days' in filing the present appeal.

2. We find from the record that the impugned judgement was passed by the learned single Judge on 18.07.2024, granting 3 months' extension from the date of the order for continuing to occupy the stall/unit. That time expired on 19.10.2024. Even after the expiry of 3 months on 19.10.2024, 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:

“3. That the Appellant has filed SLP (C) D.No. 50059 of 2024 against order dated 09.10.2024 passed by the Division Bench of Delhi High Court in LPA (C) No. 1018 of 2024, by which the Hon'ble Supreme Court of India has granted time till 15.02.2025 to the Appellant to vacate and hand over the vacant possession of the premises vide order dated 13.12.2024.

4. That the Appellant came to know about the above said order on 13.12.2024 when the Hon'ble Supreme Court has passed the order dated 13.12.2024 in SLP (C) D. No. 50059 of 2024 on the basis of order dated 18.10.2024 passed by the Hon'ble Supreme Court of India in SLP (C) No. 23319 of 2024.

Therefore, The Appellant requested his counsel to file the present LPA in this Hon'ble Court but due to winter vacation, it could not be filed. Now the present petition is being filed. The delay in filing the LPA is neither intentional nor deliberate but due to the circumstances mentioned above.

5. That there is no wanton latched on behalf of the Appellant but due to the circumstances mentioned above. This is a very good case on merit and Appellant may suffer irreparable loss if this Hon'ble court will not condone the delay, which will not be compensated in terms of money.”

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/rl