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

+ CRL.L.P. 460/2019, CRL.M.A. 33427/2019

ASHOK SAWHNEY

.....Petitioner

Through: Mr. Pramod Gupta, Advocate.

versus

ANKUR GULATI

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **07.05.2025**

CRL.M.A. 33426/2019 (under Section 5 of the Limitation Act on behalf of the Appellants seeking Condonation of Delay in filing the Appeal)

1. An Application has been filed on behalf of the Petitioner seeking Condonation of 1170 days delay in filing the Leave to Appeal Petition.
2. It is submitted that the Petitioner/Complainant had died on 30.06.2015 and since he was representing himself in the Complaint, none appeared thereafter on his behalf and the Complaint was Dismissed in Default vide impugned Order dated 22.03.2016. It is further submitted that the wife of the Complainant/Petitioner who had a Decree in her favour in another matter got a Notice in the Execution Petition from the Court and then she came to know about the pendency of the various litigations. Hence, the present Leave to Appeal Petition has been filed for restoration of the said



Complaint.

3. **Submissions heard and record perused.**

4. As per the submissions made, the Complainant had died on 30.06.2015. There is no explanation for delay in filing the present Leave to Appeal Petition.

5. The Condonation of Delay Application is accordingly dismissed.

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6. A Leave to Appeal under Section 378 Cr.P.C has been filed by the Petitioner/Complainant for setting aside the Order dated 22.03.2016, whereby the Complaint Case No.194/2015 titled '*Ashok Sawhney vs. Ankur Gulati*' has been Dismissed in Default and for non-Prosecution.

7. In view of the dismissal of the application seeking Condonation of Delay in filing the Leave to Appeal, the present Petition is also dismissed.

NEENA BANSAL KRISHNA, J

MAY 7, 2025/va