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

+ **CM(M) 169/2025**

KUNDAL LAL SAGARPetitioner

Through: Mr. Vikram Saini, Adv.

versus

GANGA RAM & ANR.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **28.01.2025**

CM APPL. 5165/2025 (Exemption)

Allowed, Subject to all just exceptions.

The applications stands disposed of.

CM APPL. 5166/2025 (Delay 20 Days In Re-Filing Of Petition)

1. Bearing in mind, the disclosures made in the application, the delay of 14 days in re-filing of appeal is hereby condoned.
2. The application stands disposed of.

CM(M) 169/2025

1. This petition has been filed under Article 227 of the Constitution of India, seeking to set aside the impugned order dated 22.08.2024 passed by Id. District Judge in civil appeal bearing no. RCA DJ 13/2024 whereby the appeal filed by the petitioner has been dismissed on account of non-payment of appropriate court fees.
2. Petitioner filed a suit for compensation against the respondents. The



suit was dismissed by the Trial Court vide judgment dated 04.01.2024.

3. Aggrieved by the same, the petitioner filed an appeal before the First Appellate Court. However, the appeal has been dismissed vide order dated 22.08.2024 on the ground that the same cannot be entertained without payment of court fees.

4. The Id. Counsel submits that the appeal was dismissed by the First Appellate Court in limine without even notice to the respondent. However, he prays for grant of one more opportunity to deposit the requisite court fees.

5. Keeping in view the entire facts and circumstance and the statement made by the Id. Counsel, offering to pay the requisite court fees, in the interest of justice, it is deemed appropriate to grant one opportunity to the petitioner to deposit the requisite court fees.

6. The impugned order dated 22.08.2024 passed by the First Appellate Court is therefore set aside subject to the condition that the petitioner shall deposit the requisite court fees within two weeks.

7. The petitioner to appear before the Trial Court on 11.02.2025, if the requisite court fees is deposited within the stipulated time, the appeal shall stand restored.

8. Petition is disposed of in terms of the aforesaid order.

RAVINDER DUDEJA, J

JANUARY 28, 2025/sky/i