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

+ **(1) LA.APP. 555/2011**

SUKHBIR SINGH Appellant
Through: Mr.B.D.Sharma & Mr.S.K.Rout, Advocates

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Sanjay Podar, Senior Advocate, with
Mr.Sanjay Kumar Pathak, Mr. Navlin Swain &
Mr.Mohitrao Jadhav, Advocates.
Mr.M.K.Singh, Advocate for DDA

(2) LA.APP. 556/2011

MADAN MOHAN Appellant
Through: Mr.B.D.Sharma & Mr.S.K.Rout, Advocates

versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Sanjay Podar, Senior Advocate, with
Mr.Sanjay Kumar Pathak, Mr. Navlin Swain &
Mr.Mohitrao Jadhav, Advocates
Mr.M.K.Singh, Advocate for DDA

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
30.11.2011

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& CM No.15788/2011 (u/s 151 CPC for condoning delay of 173 days in re-filing of appeal) in LAA. APP 555/2011

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Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

LA APP Nos.555 & 556 of 2011

CM No.15876/2011 (u/s 151 CPC for condoning delay of 193 days in re-filing of appeal) in LAA. APP 556/2011

1. For the reasons stated in Paras-2 & 4 of the applications, which are accompanied by the affidavits of the counsel, the delay in refilling of the accompanying appeals is condoned.

2. Both the applications stand disposed of.

CM No. 15787/2011 (u/O 41 R 3A & Section 5 of Limitation Act for condoning delay of 1837 days) & LAA. APP 555/2011

CM No. 15875/2011 (u/S Section 151 CPC for condoning delay of 1957 days) & LAA. APP 556/2011

1. Applicant- Sukhbir Singh in LA.APP 555/2011 & applicant- Madan Mohan in LA.APP 556/2011, are seeking enhancement of compensation in respect of their lands in Village- Bakkarwala, New Delhi, which were acquired by virtue of Notification of 15th October, 1993, under Section 4 of the Land Acquisition Act. There is delay of more than three years in preferring the accompanying appeals. Is it a matter of coincidence that the reason for delay occasioned, furnished by these two applicants, is similar?

2. Applicant- Sukhbir asserts that he is aged about 65 years and he remained confined to bed due to some heart and stomach ailments for a considerable period of time, which had occasioned this inordinate delay in filing the accompanying appeal. Similarly, applicant- Madan Mohan has asserted on affidavit in the application for condonation of delay that he is aged about 55 years and mostly remains under depression due to some personal difficulties and domestic problems and had remained confined to bed for a considerable long time.

3. When liberty was granted to these two applicants to file affidavits, it was expected that they would furnish better particulars in support of their aforesaid averments and file some documents as well. Though additional affidavits have been filed by these two applicants but the aforesaid averments on which the delay is sought to be condoned, remain vague and indefinite as ever. What to talk of sufficient explanation, not even proper explanation is coming forth to substantiate the pleas taken by these two applicants in their applications for condonation of delay.

4. The tests to be applied while dealing with the applications like the instant one, stands already noted by me in LA.APP 496/2011 '**Ram Karan Vs. Union of India**' and the same need not be reiterated while dealing with these applications.

5. Misplaced sympathy cannot be shown to the applicants like the instant one, as certainly benefit accrues in favour of the respondents once the appeals are dismissed as time barred, as the basic test of '*reasonable diligence*' has been applied while dealing with these applications. It is said so because the applicants have failed to substantiate the reasons put-forth for the inordinate delay occasioned.

6. Resultantly, both these application for condonation of delay in filing the accompanying appeals are dismissed. Consequently, accompanying appeals are also dismissed being time barred.


(SUNIL GAUR)
JUDGE

NOVEMBER 3, 2011

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