

FAO No. 04/2018

UNITED SPIRITS LTD.

APPELLANT (S)

VERSUS

M/S MOUNT DISTILLERIES LTD.

RESPONDENT (S)

For Appellant : Mr. Peeyoosh Kalra, Advocate.
Ms. Aarti Aggarwal, Advocate.

For Respondent : Ms. Manita Pradhan, Advocate.

Date: 06/08/2021

CORAM :

HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ.
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, J.

...

PER J.K. MAHESHWARI, CJ

Heard on I.A. No. 01 of 2021, which is an application seeking condonation of delay.

Learned counsel representing the appellant contends that the suit was filed as I.P.R. suit and the appeal was preferred under Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908, therefore, the Registry has pointed out that the appeal is within limitation.

Later on by raising an objection by the other side, it came to know that this litigation would be treated as Commercial Court Litigation and accordingly, the appeal is barred by time of 15 days. However, after so many hearings the application seeking condonation of delay is filed. In the facts and circumstances, it is urged that the delay is based on bona fide and sufficient reason has been specified in the application.

The response so filed to the said application by the respondent is only by raising an objection that the appellant want to mislead the Registry but in the facts as stated in the application and narrated hereinabove, in the considered opinion of this Court, sufficient reasons to condone the delay is made out.

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Therefore, the delay is condoned, subject to payment of cost of Rs.500/-. The amount of cost be deposited within seven days from today in the Registry.

Accordingly, I.A. No. 01 of 2021 is hereby allowed and delay in filing the Appeal is hereby condoned.

Paper-book be prepared within a period of three months from today and list this case for hearing on 23.11.2021.

Judge

Chief Justice