

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 17312/2017
(@ Special Leave Petition No. 18492/2015)

DELHI DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

BRAHAM PRAKASH

RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties and perused the impugned judgment and order dated 12.01.2015, passed by the Delhi High Court, declining to interfere in the order of the Appellate Court, wherein the delay of 531 days in filing the appeal was not condoned.

We have also perused the averments made in the application seeking condonation of delay of 531 days which has been filed along with the paper book at page 74.

We are of the considered view that the petitioner has made sufficient ground for condoning the delay of 531 days. However, due to laxity of the officers of the petitioner in pursuing the remedy, without devoting any time in such matters, we deem it fit and proper to impose cost of Rs.50,000/- (Rupees Fifty Thousand Only) to be paid within a period of one month from today to the respondent.

Accordingly, the civil appeal is allowed and the impugned order passed by the Delhi High Court is set aside. The delay of 531 days in filing the appeal before the First Appellate Court is condoned and the RCA No. 130 of 2014 will be decided on merits in accordance with law.

Pending application(s), if any, stands disposed of.

.....J.
(R.K. AGRAWAL)

.....J.
(ABHAY MANOHAR SAPRE)

NEW DELHI
OCTOBER 25, 2017

ITEM NO.49

COURT NO.8

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 18492/2015

(Arising out of impugned final judgment and order dated 12-01-2015 in RSA No. 9/2015 passed by the High Court Of Delhi At New Delhi)

DELHI DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

BRAHAM PRAKASH

Respondent(s)

Date : 25-10-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.K. AGRAWAL
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Ms. Binu Tamta, AOR

For Respondent(s) Mr. Alok Shukla, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The civil appeal is allowed and the impugned order passed by the Delhi High Court is set aside. The delay of 531 days in filing the appeal before the First Appellate Court is condoned and the appeal RCA No. 130 of 2014 will be decided on merits in accordance with law.

Pending application(s), if any, stands disposed of.

(SONALI SAUND)
SENIOR PERSONAL ASSISTANT

(CHANDER BALA)
COURT MASTER

(Signed order is placed on the file)