

Madhusudan Sood
Vs.
Valley View Flat Owners Association
Appeal No.33/HP/2021

Present: Sh. Vishal Mohan, Advocate, Ld. counsel for the appellant.

(The Court proceedings conducted through VC)

Today appellant has moved an application under Section 5 of the Limitation Act for condoning the delay of 151 days in re-filing the present appeal in support of his affidavit.

Heard on the application.

The impugned order was passed on 16.04.2021 and the appeal was filed on 14.06.2021. There is no delay in filing the present appeal. However, there is delay of only 151 days in re-filing the present appeal. Moreover, the case of the appellant is covered by the directions of the Hon'ble Apex Court in Suo Moto Writ Petition (C) No.3 of 2020.

In view of the directions issued by the Hon'ble Apex Court in aforesaid Suo Moto Writ Petition and the reasons mentioned in the application, the application moved by the appellant is allowed and the delay of 151 days in re-filing the appeal is hereby condoned.

Heard on the main appeal.

Ld. counsel for the appellant has, inter alia, contended that the Ld. Authority in the impugned order has wrongly given the finding that the attic area is a common area of all the unit-holders of the project. In fact, the said attic area goes with the unit-holders of the top floor and so far, the appellant has not sold any unit situated on the top floor of the project.

Let notice of the present appeal be served upon the respondent for 04.02.2022 on filing the copies of paper book and registered cover etc. within four days.

Inderjeet Mehta
Member (Judicial)
Haryana Real Estate Appellate Tribunal
Chandigarh

Anil Kumar Gupta
Member (Technical)

17.12.2021
Gaurav