

**Court No. - 2**

**Case :-** FIRST APPEAL FROM ORDER DEFECTIVE No. - 514 of 2025

**Appellant :-** Rakesh Kumar Agarwal And 2 Others

**Respondent :-** Smt Satnam Kaur Chawla And Another

**Counsel for Appellant :-** Ankit Prakash

**Hon'ble Neeraj Tiwari,J.**

1. Heard learned counsel for the appellants.

2. This case was heard on 29.4.2025, Court has passed the following order:-

*"1. As per stamp report dated 15.04.2025, there was delay of six days, whereas appeal was filed in the Registry on 24.04.2025 i.e. after nine days from the date of report, amounting total delay of fifteen days, but no fresh report has been submitted by the stamp reporter about filing the appeal with delay of 19 days.*

*2. In-charge, Stamp Reporting Section is directed to submit the report as to why report of further nine days delay in filing the appeal has not been mentioned.*

*3. List this case on 06.05.2025 as fresh."*

3. In compliance of order of this Court dated 29.4.2025, Stamp Reporter has submitted report dated 5.5.2025, which is being quoted hereinbelow:-

*"Reference Hon'ble Court's Order dated 29.4.2025, S.R. very humbly submits that the instant appeal was presented for report on 21.4.2025 at that time the instant appeal was intime till 15.4.2025 i.e. beyond time by 06 days. Moreover there was a deficiency in court fee of 25/-, in order to remove this deficiency, the Ld. Counsel has taken back the instant Appeal. After making good the deficiency in Court fee, the Ld. Counsel has presented the instant appeal at defect removed counter.*

*As per the prevailing practice the defect regarding deficiency without mentioning the additional delay in filing the instant appeal by the Ld. Counsel to cure the defect.*

*Inconvenience caused to the Hon'ble Court is deeply regretted."*

4. I have perused the office report dated 05.05.2025. The fact is that, for filing of cases, i.e. appeal, writ petition, revision, etc. after preparation of the same, it has to be submitted before the Stamp

Reporter and in case no defect is noted by the Stamp Reporter, the case is listed before the Court for hearing. In case any defect is found, paper book is returned to counsel for removing the same. Now, it is required on the part of the counsel to remove the defects so pointed out by the Stamp Reporter and present the case again in the Stamp Reporting Section. It is also required on the part of Stamp Reporter to see as to whether defects have been removed or not and thereafter submit the report accordingly.

5. This Court has also noticed that when the appeal, petition, revision etc. have been filed in the office of Stamp Reporter is within the limitation provided having some other defects, therefore, it was returned to counsel for removing other defects so pointed out, but after receiving appeal, petition, revision etc. for the second time, no report is being filed by the Stamp Reporter about the delay.

6. The result of non submission of fresh report on limitation is that, earlier, on the date of first presentation, appeal, petition, revision, etc. were within the delay provided in the rules, whereas, on the date of second presentation, it was beyond the limitation. But, in absence of any fresh report it have been treated to be filed within time.

7. The case in hand is that on the date of first presentation, the appeal was delayed and beyond time of 6 days and on the date of second presentation, it was beyond time of 9 days more resulting in total delay of 15 days in filing the appeal, but no fresh report has been filed by the Stamp Reporter about the delay, therefore, delay of extra 9 days is not the part of report of Stamp Reporter.

8. Therefore, under such facts and circumstances, Stamp Reporter is directed to submit fresh report about the delay in case, appeal, petition, revision, etc. are returned to counsel for removing the defects and after receiving the same for the second time after removal of defects.

9. Copy of this order shall be placed before the Registrar General to ensure the compliance.

10. Put up this case on 13.5.2025 as fresh.

**Order Date :- 6.5.2025**

Junaid