

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.614/2019

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.04.02.2019/NCLAT/UR/138

In the matter of:

Ms. Lima Rose Appellant

Versus

M/s Air Carnival Pvt. Ltd. Respondent

Appearance: Shri Brijesh Kumar Singh, Advocate for the
Appellant.

25.02.2019

This is an application to extend the time granted for curing the defects.

2. The facts of the case are that the Appellant filed the Memo of Appeal on 04.02.2019 and the Office after scrutiny of the Memo of Appeal intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 11.02.2019. The Appellant re-filed the Memo of Appeal on 22.02.2019. It is stated in the Interlocutory Application (IA) that the counsel for the appellant had met with an accident on 8th December 2018 at his hometown from which certain legal issues had emanated, which were required to be settled and could not undertake the exercise of rectifying the defects within time. The defects were informed to the client, who had to send an affidavit for condonation of delay in re-filing. The affidavit was dispatched on 14th from Coimbatore at the plaintiff's known person at Gurgaon and delivered to the counsel on 19th and after which the application is filed. Hence, there is delay of 11 days in re-filing the Memo of Appeal, which is neither intentional nor deliberate, so, the same may be condoned.

3. Heard the learned Counsel appearing for the Appellant, perused the averments made in the IA as well as Office report.
4. Considering the submissions made on behalf of the Appellant and for the reasons mentioned in the IA, which are sufficient, the delay in re-filing the Memo of Appeal is hereby condoned.
5. List the case before the Hon'ble Bench under the heading for admission on 26.02.2019.
6. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)
Registrar