

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.1749/2019
Un-numbered Company Appeal (AT) No. ___/2019
(F.No.08.05.2019/NCLAT/UR/613

In the matter of:

Shri Surinder Kumar Virdi Appellant

Versus

Beavers Leathers Pvt. Ltd. & Ors. Respondents

Appearance: None for the Appellant.

24.05.2019

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 08.05.2019 and the Office after scrutiny of the Memo of Appeal on 09.05.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal on 16.05.2019. The Appellant re-filed the Memo of Appeal on 23.05.2019. It is stated in the Interlocutory Application (IA) that the Appellant is a senior citizen and a resident of Jalandhar, Punjab. The Registry has informed about the defects to the Clerk working in the office of the Advocates of the Appellant, but the Clerk negligently failed to inform the Advocates in the Office. Hence, there is delay of 07 days in re-filing the Memo of Appeal, so, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect No.05 has also not been cured by the Appellant. Defect No.05 is that page Nos.335, 336 and 339 are dim/illegible.

4. None appeared on behalf of the Appellant. Perused the averments made in the IA as well as Office report.

5. Considering the reasons mentioned in the IA, which are sufficient, the delay in re-filing the Memo of Appeal is hereby condoned.

6. As regards Defect No.5, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant that *“All defects have been cured except 5, therefore we are giving the undertaking that we are not relying on dim pages since we removed 3 dim pages.”*

7. In view of the above, list the case before the Hon’ble Bench under the heading ‘for admission’ on 27.05.2019.

8. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)
Registrar