

Limitation Act S. 5, Fraud

Court was dealing with a fact- situation where the interim order passed by the court of first instance was an interpolated order and it was not ascertainable as to when the order was made. The said order was under appeal before the District Judge who declined to condone the delay and the said view was concurred with by the High Court. The Court, taking stock of the facts, came to hold that if such an interpolated order is allowed to stand, there would be failure of justice and, accordingly, set aside the orders impugned therein observing that the appeal before the District Judge deserved to be heard on merits.

**O.P. Kathpalia v. Lakhmir Singh (dead) and others** [(1984) 4 SCC 66]