

11.05.2026

Present: Sh. Mukesh Sharma (through VC), Ld. Counsel for plaintiff along with plaintiff in person.
Sh. Manoj Mishra, Ld. Counsel for defendant along with defendant.

1. An application u/s 5 of the Limitation Act read with Section 151 CPC is filed seeking condonation of delay on behalf of the defendant.
2. It is submitted by the Ld. Counsel that inadvertently the provision is wrongly mentioned as Section 5 of the Limitation Act, 1963 rather it ought to file u/o 8 Rule 1 CPC 1908 and thus it is prayed that the application be treated as application u/o 8 Rule 1 CPC. Heard. Considered. Allowed.
3. The application u/s 5 of the Limitation Act read with Section 151 CPC is now treated as application u/o 8 Rule 1 CPC.
4. There is a delay of around 35 days in filing the WS.
5. Keeping in view the mandate of Hon'ble Supreme Court in **Kailash Vs. Nankhu & Salem Advocates Bar Association Vs. Union of India** the mandate of Order 8 Rule 1 CPC is directory in nature and the delay can be condoned. Therefore, the application stands allowed, subject to payment of Rs. 1000/- to be paid to the plaintiff on NDOH.
6. It is submitted by the Ld. Counsel for the defendant/applicant during the arguments on application u/o 7 Rule 11 CPC that the documents on the strength on which the present suit for declaration, possession and permanent injunction is filed by the plaintiff does not convey any right, title or interest in the judgment of

**Hon'ble Supreme court in Suraj Lamp Industries Pvt Ltd.
Vs. State of Haryana.**

7. Put up for orders/clarifications on **02.06.2026**

(Akbar Siddique)
DJ-04, North, Rohini Courts,
Delhi/11.05.2026.