

40 RCA DJ 6/25 M/S IDHIKA SALES CORPORATION
THROUGH JITENDER
KUMAR THAKKAR Vs. SURESH KUMAR AGGARWAL

12.03.2026

Present : Sh. P.K. Dass, Ld. Counsel for plaintiff.
Sh. Deepanshu Choutani, Ld. Counsel for defendant with
defendant.

Fresh vakalatnama is filed on behalf of defendant. It shall be taken on record.

An application for condoning delay in filing of the appeal filed on behalf of appellant is pending.

The application is taken up for hearing.

Through the application, the appellant has sought condonation of delay in filing of the appeal on the ground that the decree in question was not in the knowledge of the appellant.

It is a settled position of law that courts have to be liberal in condoning delay. Failure to condone the delay may result in an unjust decision being upheld and receiving the approval of the Appellate Court whereas condoning the delay would only lead to the appeal being heard on merits. I refer to the judgment reported as Collector, Land Acquisition, Anantnag and Ors. vs. Katiji and Ors. (1987) 2 SCC 107 which advocated a justice oriented approach to condoning delays.

In view of the above and since sufficient cause has been explained, the application is allowed and the delay in filing of the appeal is condoned.

Another application for stay of decree in question is pending.

The application is taken up for hearing.

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The appellant has sought stay of the decree on the ground of pendency of the present appeal.

Ld. Predecessor of this Court has already stayed the decree subject to deposit of half of the decretal sum. The application is accordingly disposed of with directions that the decree in question stands stayed till the disposal of the appeal.

I have heard arguments in part in respect of the appeal.

Put up for remaining arguments on 30.03.2026.

(Ashish Aggarwal)
District Judge-III
North-West District,
Rohini Courts, Delhi
12.03.2026