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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010047952026

+ **RFA(COMM) 92/2026, CM APPL. 9290/2026, CM APPL. 10796/2026 & CM APPL. 29461/2026**

AMIT KUMAR & ANR.APPELLANTS

Through: Appearance not given.
versus

VIKAS NAHARRESPONDENT

Through: Mr. Sidhant Dhingra Advocate & Mr.
Mukesh Kumar Advocate (M:
9650677902).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

ORDER

% **03.09.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 9290/2026 (for delay)

2. This is an application seeking condonation of delay of 48 days in filing the appeal.

3. For the reasons stated in the application, the delay of 48 days in filing the appeal is condoned. Application is disposed of.

RFA(COMM) 92/2026, CM APPL. 10796/2026 & CM APPL. 29461/2026

4. The present appeal has been filed by the Appellants under Section 13 of the Commercial Courts Act, 2015 read with Section 96 of the Code of Civil Procedure, 1908, *inter alia*, assailing the impugned judgment and decree dated 20th September, 2025 passed by the Id. District Judge, (Commercial Court-03), Shahdara District, Karkardooma Courts, New Delhi in



CS.(Comm.)475/2024. The relevant portion of the impugned judgment reads as under:

“ **RELIEF**

72. Therefore, the suit of the plaintiff is decreed with proportionate costs and a decree in the sum of Rs. 5,51,718/- alongwith pendente-lite and future interest @ 7% per annum is passed in favour of the plaintiff and against the defendants. Decree sheet be drawn. File be consigned to record room.”

5. *Vide order dated 23rd February, 2026, after hearing Id. Counsel for the Appellant, this Court directed as under:*

“3. After having gone through the matter, since the execution petition has already been filed and warrants of attachment has been issued, Id. Counsel for the Appellant submits that the Appellant, if given time, is willing to deposit the principal amount.

4. Accordingly, let a sum of Rs. 5,51,718/- be deposited by the Appellant by 30th April, 2026, with the Registrar General of this Court.

5. In the meantime, the execution proceedings shall be adjourned. ”

6. Thereafter, an application was filed on behalf of the Appellants seeking extension of time to deposit the amount, in terms of order dated 23rd February, 2026. The Court *vide* order dated 4th May, 2026, directed as under:

“2. The present application has been filed by the Appellants under Section 151 of the Civil Procedure Code, 1908 seeking extension of time to deposit the amount in terms of the order dated 23rd February, 2026 by which the amount of Rs.5,51,718/- was directed to be deposited. Various financial constraints are relied upon by the Appellant for seeking the extension.

3. A demand draft to the tune of Rs.2,50,000/- has been prepared as per the Id. Counsel for the Appellants. Copy



of the same is attached. Let the same be deposited today itself with the worthy Registrar General of this Court. The same shall be kept in an FDR on an auto renewal mode.

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6. In the meantime, the remaining amount shall be deposited by the Appellants by 15th July, 2026.”

7. Today, it is submitted that the remaining amount has not been deposited by the Appellants.
8. Adjournment is sought on behalf of the Appellants and further time is also sought for depositing the amount, in terms of order dated 23rd February, 2026.
9. The Court is not inclined to grant any further time. Accordingly, prayer for extension sought in **CM APPL. 29461/2026** is rejected.
10. Accordingly, the execution proceedings shall proceed in accordance with law. **CM APPL. 10796/2026** is disposed of in the above terms.
11. List on 21st December, 2026.

PRATHIBA M. SINGH, J.

VIKAS MAHAJAN, J.

SEPTEMBER 3, 2026/MR/Ck