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

+ RFA 87/2022

SMT. GEETA VERMA

..... Appellant

Through: Ms. Charu Ambwani, Advocate
(DHCLSC)

versus

GULSHAN

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE GAURANG KANTH

ORDER

% **22.05.2023**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

CM APPL. 12435/2022 (delay in filing)

1. This is an application filed by the appellant seeking condonation of delay of 2253 days in filing the present appeal.
2. The appellant, in the present appeal, is challenging the ex parte judgment dated 01.06.2016 passed by the learned Additional District Judge-06 (West), Tis Hazari Courts, Delhi in Civil Suit No. 773/2014 titled as '*Gulshan v. Smt. Geeta Verma*'.
3. Learned counsel for the appellant submits that the appellant was unaware of the suit proceedings instituted by the respondent. The respondent had filed execution proceedings and the learned Trial Court issued warrant of attachment on 08.11.2019. The appellant came to know about the present proceedings only once the warrant of attachment was issued. In view of the same, there is a delay of 2253 days in filing the present appeal.
4. Despite service, none has appeared on behalf of the respondent. No



reply has been filed by the respondent.

5. In view of the same and for the reasons stated in the application, the same is allowed.

6. Delay of 2253 days in filing the present appeal is condoned.

7. The application stands disposed of.

CM APPL. 12436/2022 (stay)

8. This is an application filed by the appellant seeking stay of operation of the ex parte judgment dated 01.06.2016.

9. Learned counsel for the appellant submits that the execution petition is pending before the learned Trial Court.

10. Despite service, there has been no appearance on behalf of the respondent.

11. Learned counsel for the appellant submits that the respondent had already sold the suit property. She further states that grave injustice and prejudice would be caused if the impugned judgment is not stayed.

12. In view of the submission made by learned counsel for the appellant and in the interest of justice, the operation of the impugned judgment dated 01.06.2016 shall remain stayed.

13. The application stands disposed of.

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14. List on 19.10.2023.

GAURANG KANTH, J

MAY 22, 2023

kd