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

+ RFA 188/2024, CM APPL. 15843/2024

KAILASH NATH SINCE DECEASED THROUGH LR KARAN

NATH

.....Appellant

Through: Mr. R.Krishnamoorthi, Advocate.

versus

MINAKSHI NATH SRINIVASAN

.....Respondent

Through: Mr. Amarjit Singh Chandhiok, Sr.
Advocate with Ms. Amita Sehgal,
Ms. Mamta Rajgerhia, Mr. Tanishq
Tandon and Mr. Chakshu Thukral,
Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **10.12.2025**

CM APPL. 15844/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 15842/2024 (extension of time for filing court-fee)

By way of the present application filed under section 149 of the
Code of Civil Procedure 1908 ('CPC'), the appellant seeks extension
of time for filing court-fee.



2. In view of the requisite court fee having been filed, the application is disposed-of as infructuous.

CM APPL. 15841/2024 (condonation of 1450 days' delay in filing the appeal)

3. By way of the present application filed under sections 5 to 12 of the Limitation Act 1963 read with section 151 CPC, the appellant seeks condonation of about 1450 days' delay in *filing* the regular first appeal.
4. Issue notice.
5. Ms. Amita Sehgal, learned counsel appears on behalf of respondent on advance copy; accepts notice; and seeks time to file a reply.
6. Let reply be filed within 06 weeks; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
7. Re-notify on 02nd March 2026 before the learned Joint-Registrar for completion of pleadings in this application.
8. List before court thereafter.

RFA 188/2024 & CM APPL. 15840/2024 (for treating the last line of the judgment dated 15.05.2019 as a decree)

9. By way of the present regular first appeal filed under section 96 read with Order XLI Rule 1 CPC, the appellant impugns judgment and decree dated 15.05.2019 passed by the learned Additional District Judge-03, Patiala House Courts, New Delhi in suit bearing CS No.240/2016.
10. After briefly hearing Mr. R. Krishnaamorthi, learned counsel and Mr. A.S. Chandhiok, learned senior counsel appearing for the respective parties, it transpires that the respondents are challenging the very



locus of the appellant to file the present appeal, contending that he is not the son of deceased Kailash Nath; and therefore does not fall within the definition of 'legal representative' under section 2(11) of the CPC.

11. Before issuing notice on the appeal, counsel for the parties are directed to file brief synopses of their respective submissions, alongwith a list of judicial precedents they seek to rely upon, not exceeding 03 pages, before the next date; with copies to the opposing counsel.
12. Issuance of notice on the appeal will be considered subject to the decision on the condonation of delay application and maintainability of the appeal at the hands of the appellant.
13. Re-notify on 02nd March 2026 before the learned Joint-Registrar.
14. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 10, 2025

ss