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

+ **CS(OS) 265/2025 & I.A. 23381/2025**

DAVENDRA MOHAN ABBEY AND SON (HUF)
& ORS.Plaintiffs

Through: Mr. Ankur Sood, Ms. Ramila Mandal,
Mr. Prajjwal Suman & Mr. Dhaman
Trivedi, Advs.

versus

MRS. RAMA ARORA & ANR.Defendants
Through: Mr. Jatin Jhulka, Adv. for D1 & 2.

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

% **29.07.2026**

I.A. 23380/2025

1. This is an application filed by the plaintiffs under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'the CPC') seeking condonation of a delay of 22 days in filing the chamber appeal.
2. For the reasons mentioned therein, the application is allowed. The delay in filing the chamber appeal is condoned.
3. The application stands disposed of.

O.A. 156/2025

4. This is a chamber appeal filed under Section 151 of the CPC read with Rule 5 Chapter II of the Delhi High Court (Original Side) Rules, 2018 for setting aside the order dated 05.08.2025.
5. Learned counsel for the appellant submits that the defendants were



served through email, speed post and courier. Reliance is placed on the tracking reports of the speed post, the courier and the affidavit of service.

6. The issue regarding service through email was dealt with by the Joint Registrar in detail. The affidavit of service was found to be defective as there was no specific assertion that the emails sent had not bounced back. Consequently, service through email was not considered.

7. As regards service through speed post reliance is placed on an entry dated 31.05.2025 in the tracking report stating 'Item Returned-Refused'. The entry does not advance the case of the appellant as it does not disclose by whom the item was refused. The procedure prescribed under CPC has not been followed and in such circumstances there cannot be deemed service by refusal.

8. The courier tracking report does not indicate that the packet was delivered to the addressee. The tracking entry records the status as 'Door Locked-Area: LADO SARAI' on 31.05.2025 and thereafter as 'Delivered-Area: LADO SARAI' on 03.06.2025. It does not indicate that the packet was delivered to the addressee or any authorised person. In absence of any evidence showing delivery to the addressee it cannot be treated as proof of due service.

9. In view of the above, no ground for interference is called for and the chamber appeal is dismissed.

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10. Put up before the Joint Registrar on 25.08.2026.

AVNEESH JHINGAN, J

JULY 29, 2026

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