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

+ CS(OS) 545/2010, CC 6/2012, I.A. 4242/2011, I.A. 9984/2025 &
REVIEW PET. 604/2013

M/S SUSHIL KUMAR AND CO

.....Plaintiff

Through: Ms. Shantha Devi Raman, Adv.

versus

DELHI DEVELOPMENT AUTHORITY AND ANRDefendants

Through: Mr. Tushar Sannu and Ms. Aqsa
Adv. for D-1.

Er. Manoj Kumar Mishra EE/HCD-6.

Er. Kumar Anand AE/HCD-6

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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27.08.2025

I.A. 9985/2025 (filed on behalf of the plaintiff seeking condonation of 18 days delay in filing the appeal)

I.A. 9986/2025 (filed on behalf of the plaintiff seeking condonation of 13 days delay in re-filing the appeal)

1. For the reasons stated in instant applications, the same stand allowed, and the delay of 18 days in filing and 13 days in re-filing the appeal stands condoned.

2. Applications stand disposed of.

O.A. 71/2025 (filed on behalf of D-1/DDA under Chapter 2 Rule 5 of the Delhi High Court (Original Side Rules), 2018)



1. Heard learned counsel appearing for the parties.
2. The prayer is to set aside the order dated 03.03.2025, however, Mr. Tushar Sannu, learned counsel appearing for the appellant, contends that the OA is against the order dated 29.01.2025 and the aforesaid discrepancy has occurred on account of some typographical error. He, therefore, prays that he be permitted to amend the prayer.
3. On oral request, the amendment is permitted.
4. The Registrar, *vide* order dated 29.01.2025 took note of various earlier orders and eventually closed the right of the defendants to lead evidence.
5. The aforesaid view was taken considering the fact that the defendants' evidence was earlier allowed subject to the payment of costs, and despite sufficient opportunity, the defendants did not take requisite steps to lead the evidence of DW-1.
6. Mr. Sannu, however, takes the Court through the OA, and explains that the delay has occurred on account of change of counsel and transfer of the departmental staff. He further submits that the delay was *bona fide* and unintentional. He further submits that defendants shall fully cooperate with the trial to be taken to its logical end. He undertakes to place on record the evidence affidavit of DW-1 within a period of two weeks from today.
7. Let the same be done. If within two weeks, the evidence of affidavit of DW-1 is not placed on record, the same shall not be considered.
8. The same, however, shall be subject to payment of Rs.25,000/- to be paid to the plaintiff.
9. OA stands disposed of.

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List before the concerned Joint Registrar on 22.09.2025.

PURUSHAINDRA KUMAR KAURAV, J
AUGUST 27, 2025/P/MJ