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

+ **RFA(COMM) 202/2024 & CM 31219/2024**

**RAJESH KUMAR(SINCE DECEASED)
THROUGH LEGAL HEIR**

.....Appellant

Through: Mr A. Rohen Singh, Mr Aniket
Rajput and Mr K. Nirmala Singh,
Advocates.

versus

PRAKASH VATS

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

19.07.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

**CM APPL. 31220/2024 [Application filed on behalf of the appellant
seeking condonation of delay of 13 days in filing the appeal]**

**CM APPL. 31221/2024 [Application filed on behalf of the appellant
seeking condonation of delay of 11 days in re-filing the appeal]**

1. This application has been filed on behalf of the appellant seeking condonation of delay of thirteen (13) days in filing the appeal and eleven (11) days in re-filing.

2. Having regard to the period involved, we are inclined to condone the delay.

2.1. It is ordered accordingly.

3. The application is closed.

RFA(COMM) 202/2024

Page 1 of 2



RFA(COMM) 202/2024 & CM 31219/2024

4. This appeal is directed against the judgment and decree dated 13.12.2023 passed by Dr Kamini Lau, learned District Judge (Commercial Court)-02, Central, Tis Hazari Courts, Delhi.
5. Via the impugned judgment, the learned District Judge has decreed the suit in favour of the respondent/plaintiff for Rs.13,98,591/-, along with interest at the rate of 6% per annum commencing from the date when the legal notice was issued, i.e., 07.02.2022, till realization.
6. Furthermore, the legal heirs of the appellant/defendant have been mulcted with costs.
7. Issue notice to the respondent/plaintiff via all permissible modes including email.
8. Upon the appellant depositing 50% of the decretal amount within the next four (4) weeks with the Registry of this Court, there shall be, for the moment, a stay on the operation of the impugned judgment and decree.
9. List the matter on 18.11.2024.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JULY 19, 2024

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Click here to check corrigendum, if any