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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 161/2025 & CM APPL. 35774/2025**

SHIV PRATAP SINGH

.....Appellant

Through: Mr. Virender Goswami, Ms.
Swati Goswami, Ms. Parkhi
Singh and Ms. Pushpa Singh,
Advs.

versus

**DELHI URBAN SHELTER IMPROVEMENT BOARD &
ANR.**

.....Respondents

Through: Counsel appearance not given.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **30.05.2025**

1. This hearing is being conducted through hybrid mode.

CM APPL. 35775/2025 – EXMP.

2. Allowed, subject to all just exceptions.

3. Application stands disposed of.

CM APPL. 35776/2025 – DELAY OF 05 DAYS IN RE-FILING

4. This is an application filed on behalf of the appellant seeking condonation of delay of 5 days in re-filing the present appeal.

5. For the reasons mentioned in the application, the same is allowed and the delay is condoned.

6. Application stands disposed of accordingly.

FAO 161/2025 & CM APPL. 35774/2025

7. The appellant is preferring this appeal under Order XLIII read with Section 104 of the Code of Civil Procedure, 1908 [hereinafter referred to as “CPC”], assailing the impugned order dated 21.01.2025, passed by the learned District Judge-02, North District, whereby the



application of the appellant, who is the plaintiff in the pending suit under Order XXXIX Rule 1 and 2 of the CPC has been dismissed.

8. Learned counsel for the respondent No.1 is present on advance notice.

9. No one is present for the respondent No.2 despite sending advance notice, but it is only a *proforma* party.

10. Learned counsel for the appellant has urged that he is a visually impaired person and has been in settled possession of the subject property for the last more than 27 years. It is submitted that although he had purchased the subject property from the previous allottee, the respondent No.1 is adamant on dispossessing him without due process of law.

11. Learned counsel appearing for the respondent No.1 requests for some time to seek instructions.

12. Issue notice. Notice is accepted.

13. Reply, if any, be filed within four weeks from today.

14. Re-notify on 13.10.2025.

15. Till then, the operation of the impugned order dated 21.01.2025 shall remain in abeyance and the appellant/plaintiff shall not be dispossessed from the premises in question without the due process of law.

16. A copy of this order be given *dasti* under the signatures of the Court Master.

DHARMESH SHARMA, J.

MAY 30, 2025/gunn/sa