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

+ **RFA 540/2025**

VIJAY KUMAR & ANR.

.....Appellants

Through: Mr. Girdhari Singh with Mr.
Markandey Gupta, Advocates.

versus

OM PRAKASH

.....Respondent

Through: Mr. Sundeep Sehgal, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **02.07.2025**

CM APPL. 35949/2025

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 35950/2025 (condonation of delay in re-filing)

By way of the present application filed under section 5 of the Limitation Act 1963 and section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellants seek condonation of about 78 days delay in *re-filing* the regular first appeal.

2. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
3. The application is allowed.

RFA 540/2025

CM APPL. 35948/2025 (for stay)

4. By way of the present regular first appeal filed under section 96 read with Order XLI CPC, the appellants impugn judgment and decree



dated 25.10.2024 passed by the learned District Judge, South East District, Saket Courts, New Delhi in CS DJ No.683/2022.

5. Issue notice.
6. Mr. Sundeep Sehgal, learned counsel appears on behalf of the respondent on advance copy; and accepts notice.
7. Upon a brief hearing in the matter, it transpires that the Agreement to Sell dated 26.02.2021, based on which the appellants seek relief in the present proceedings was signed between the appellant and two other persons – Anang Pal and Bhavarpal Singh – however, the said two persons have not been impleaded as party-respondents in the matter and the only respondent – Om Prakash – is stated to be a subsequent purchaser of the subject property.
8. In the circumstances, let the aforesaid parties be also impleaded in the present case.
9. In view of the above, on oral prayer made on behalf of the appellants, the above named – Anang Pal and Bhavarpal Singh are impleaded as party-respondents Nos. 2 and 3 in the present case.
10. Let amended memo of parties be filed by the appellants within 02 weeks.
11. Let reply to CM APPL. No. 35948/2025 be filed within 06 weeks; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
12. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.



13. Re-notify on 17th September 2025 before the learned Joint-Registrar for completion of service on the newly added respondents and for completion of pleadings in CM APPL. No. 35948/2025.
14. No reply is required in the appeal.
15. List before court thereafter.
16. It is made clear that *no* interim relief has been granted to the appellant at this stage.

ANUP JAIRAM BHAMBHANI, J

JULY 2, 2025
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