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

+ RSA 101/2025

MRS. GURMAT KAUR (SINCE DECEASED THROUGH LRS) &
ORS.Appellants

Through: Ms. Mala Goel, Ms. Renu Narula, Mr.
Parvinder and Ms. Mahi Pawar,
Advocates.

versus

NEHRU PLACE HOTEL LTDRespondent

Through: Mr. Harish Malhotra, Sr. Advocate
with Mr. Rajender Aggarwal and Mr.
Anoop Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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15.10.2025

CM APPL. 39142/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CM APPL. 39143/2025 (condonation of 46 days' delay in re-filing)

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellants seek condonation of about 46 days' delay in *re-filing* the regular second appeal.

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



RSA 101/2025 & CM APPL. 39141/2025 (stay)

4. By way of the present regular second appeal filed under section 100 of the CPC, the appellants impugn judgment and decree dated 25.11.2024 passed by the learned District Judge-07, South-East District, Saket Courts, New Delhi in case RCA No. 145/2019.
5. Upon briefly hearing Ms. Mala Goel, learned counsel appearing for the appellants, this court is of the view that it is desirable to hear the respondent before considering whether substantial questions of law arise in the present case.
6. Issue notice.
7. Mr. Rajender Aggarwal, learned counsel appears on behalf of respondent on advance copy; accepts notice; and seeks time to file reply.
8. Let reply to the CM APPL. 39141/2025 be filed within 04 weeks; rejoinder thereto, if any, be filed within 03 weeks thereafter; with copy to the opposing counsel.
9. No reply is required in the appeal.
10. Let the first appellate court and trial court records be requisitioned in electronic form; and copy of TCR and first appellate court record be supplied to counsel on request.
11. Re-notify on 10th December 2025 before the learned Joint-Registrar for completion of pleadings in CM APPL. 39141/2025.
12. List before court thereafter.
13. Mr. Harish Malhotra, learned senior counsel appearing for the respondent submits, that the respondent is willing to pay the decretal amount of Rs. 1,23,945/- alongwith 9% per annum upto-date interest,



to the appellants; however, Ms. Goel submits, that she has no instructions to accept the amount so offered.

14. As prayed for by Mr. Malhotra, on their own volition, the respondent is permitted to deposit the decretal amount of Rs. 1,23,945/- alongwith 9% per annum upto-date interest, as directed by the learned first appellate court with the Registrar General of this court within 04 weeks from today.
15. The Registrar General is directed to retain the amount deposited in the form of a fixed deposit in a nationalised bank, initially for a period of 01 year; to be renewed for the same period from time-to-time, without awaiting any further directions from this court in that behalf, unless otherwise directed by the court.
16. The Registry is directed to bring to the notice of this court any non-compliance with the directions issued above.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 15, 2025

V.Rawat