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

+ **RFA 634/2025 & CM APPL. 40250/2025**

JITENDER SINGH

.....Appellant

Through: Mr. S.S. Panwar, Ms. Nividita Panwar, Mr. S.D. Baloni, Mr. Nawal Kishor, Mr. Ravi Panwar and Ms. Meenakshi Sharma, Advocates.
Appellant in-person.

versus

USHA RANI

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **17.07.2025**

CM APPL. 40249/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

RFA 634/2025 & CM APPL. 40250/2025 (stay)

By way of the present appeal, the appellant impugns judgment and decree dated 24.05.2025 passed by the learned District Judge-02, North District, Rohini Courts Delhi in suit bearing CS DJ No.578/2022.

2. Mr. S.S. Panwar, learned counsel appearing for the appellant argues that the appellant was granted conditional leave to defend the summary suit, which leave was subject to the appellant depositing 30% of the principal amount sought to be recovered in the suit *i.e.*, Rs.04 lacs in the form of a fixed deposit.



3. Counsel submits however that the appellant is a man of very meagre financial resources and was unable to make the deposit.
4. Counsel points-out that subsequently an application was filed by the appellant seeking modification of the condition, to the effect that instead of requiring him to place a fixed deposit, he be permitted to place an LIC bond or property documents as security, which application was dismissed; and a judgment and decree dated 24.05.2025 has come to be passed.
5. Mr. Panwar argues, that the appellant has a good case on merits and has now arranged for the money; and is willing to make the deposit if he is granted the opportunity to defend the suit.
6. Issue notice.
7. Upon the appellant taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.
8. Let the notice indicate that reply to CM APPL. No.40250/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
9. No reply is required in the appeal.
10. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
11. Re-notify on 16th October 2025 before the learned Joint-Registrar for completion of service; and completion of pleadings in CM APPL. No.40250/2025.
12. List before court thereafter.
13. In the circumstances explained, and it is directed that subject to the appellant depositing the sum of Rs. 1.20 lacs with the Registrar



General of this court within 04 weeks from today, the effect and operation of the impugned judgment and decree dated 24.05.2025 shall remain *stayed*, till the next date of hearing before this court.

14. 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 06 months; 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.
15. The Registry is directed to bring to the notice of this court any non-compliance with the directions issued above.
16. Furthermore, in view of the proceedings having been converted from a CM(M) petition to an RFA *vide* order dated 03.06.2025 by the Vacation Bench, as requested, the appellant is permitted to file the requisite court-fees within 02 weeks.
17. In view of the conversion of the matter from CM(M) to an RFA, the appellant is also permitted to make consequential amendments in the memo of appeal.

ANUP JAIRAM BHAMBHANI, J

JULY 17, 2025/ak