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

+ RFA 673/2025 & CM APPL. 44362/2025

KEW PRECISION PARTS PVT. LTD.Appellant

Through: Mr. Samman Vardhan Gautam, Ms. Khushi Sharma, Ms. Anshika Priyadarshini and Mr. Priyam Tiwari, Advocates.

versus

DIVAY BHASINRespondent

Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **24.07.2025**

CM APPL. 44363/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CM APPL. 44364/2025

By way of the present application filed under section 5 of the Limitation Act 1963 read with section 151 of the Code of Civil Procedure 1908, the applicant/appellant seeks condonation of about 550 days' delay in *filing* the regular first appeal.

2. Issue notice.
3. Upon the appellant taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.



4. Let the notice indicate that reply to the application be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
5. Re-notify on 29th October 2025 before the learned Joint-Registrar for completion of pleadings in this application.
6. List before court thereafter.

RFA 673/2025 & CM APPL. 44362/2025 (stay)

7. By way of the present regular first appeal filed under section 96(2) CPC, the appellant impugns *ex-parte* judgment and decree dated 18.10.2023 passed by the learned Additional District Judge, West District, Tis Hazari Courts, Delhi in suit bearing No. 10331/2016 (old No. 69/2015).
8. Learned counsel appearing for the appellant argues that the defendant was proceeded *ex-parte vide* order dated 11.01.2019; but a perusal of the record would show that the appellant was never served at their actual address.
9. To make good this submission, counsel has drawn attention to order dated 11.01.2019 in which it is recorded that the respondent (plaintiff) in the suit has served the appellant on the address available in the master data of the company appearing on the website of the Ministry of Corporate Affairs, *i.e.* B-384, New Friends Colony, New Delhi. The order further records as follows :

“Ld. counsel for plaintiff has also filed the master data from the website of Ministry of Corporate Affairs which shows the address of defendant as B-384, New Friends Colony, New Delhi.



“From the statement of process server and the affidavit of service as filed by plaintiff, it is apparent that defendant is served at B-384, New Friends Colony, New Delhi on 17.03.2018.”

10. A copy of the company master data is appended at page 233 of the appeal paper-book, which shows the registered address of the appellant company as 41, DLF Industrial Area, New Delhi.
11. Counsel further points-out, that another address filed by the respondent, viz. D-384, New Friends Colony, New Delhi, does not exist and that position is now verified in order dated 08.05.2025 passed by the learned Executing Court in the Ex. No. 79/2025, which records as under :

“Notice of execution not served to JD. As per report, there is no address D-384 in D-Block of NFC and number of properties start from 800 and extends upto 1103.”

12. Counsel submits, that infact in compliance of the orders made by the Supreme Court for relocating industries out of Delhi, the appellant company has since left its earlier registered office address at 41, DLF Industrial Area, New Delhi and relocated sometime in August 2015 and the correct address for the service of the appellant company is indicated in the affidavit filed in support of the present appeal.
13. Counsel submits that it is therefore evident from the record that the satisfaction recorded by the learned trial court as to service having been affected on the appellant in order dated 11.01.2019 and the appellant having been set *ex-parte* by that order, was misconceived and incorrect.
14. Upon being queried, counsel informs the court that the appellant company learnt of the judgment and decree having been passed



against it just before 08.05.2025, when the matter was listed before the learned Executing Court.

15. On a *prima-facie* reading of the matter, issue notice.
16. Upon the appellant taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.
17. Let the notice indicate that reply to CM APPL. 44362/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
18. No reply is required in the appeal.
19. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
20. On a *prima-facie* view of the matter and considering the evident doubt that exists as to whether the appellant was at all properly served in the proceeding before the learned trial court, the effect and operation of the impugned judgment and decree shall remain *stayed*, till the next date of hearing without requiring the appellant to deposit the decretal amount in court.
21. It is clarified however that the appeal would be considered subject to the decision on CM APPL. No. 44364/2025.
22. Re-notify on 29th October 2025 before the learned Joint-Registrar for completion of service; and completion of pleadings in CM APPL. 44362/2025.
23. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

JULY 24, 2025/ak