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

+ **RC.REV. 349/2023**

JAGDISH LAL GULATI

.....Petitioner

Through: **Mr. Jitender Chaudhary & Ms. Shilpa Chohan, Advs.**

versus

KAILASH VIGH & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **13.02.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 10317/2026

2. The present application under Section 151 of the CPC seeks the following prayers:-

“A. Allow the present application.

B. Stay the impugned judgment and final order dated 11.09.2023.

C. Grant such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice.

3. Learned counsel for the petitioner/applicant submits that present application has been filed on account of the fact that the bailiff has been appointed on 12.02.2026 by the learned executing court.

4. By way of the present petition, the order dated 11.09.2023 passed by the learned ARC has been challenged whereby the application for leave to



defend alongwith an application under Order 5 Rule 19 CPC was dismissed.

5. Learned counsel for the petitioner submits that in his application for leave to defend, it was specifically pleaded that the service was effected on 23.12.2018, however, the impugned order records that the service on the petitioner was effected on 19.12.2018 and since leave to defend was filed on 04.01.2019, the same was beyond the statutory time period.

6. It is the case of the petitioner that if 15 days are calculated from 23.12.2018, the limitation for filing leave to defend would expire on 07.01.2019, thus, the application for leave to defend on 04.01.2019 was on time.

7. It is further pointed out that the impugned order wrongly records the fact that the petitioner in his leave to defend application has not taken any objection with regard to the fact that he was not been served on 19.12.2018.

8. On the petitioner/applicant taking necessary steps, issue notice to the respondent, through all permissible modes, returnable for the next date of hearing.

9. List on 17.04.2026.

10. In the meantime, the execution proceedings shall remain deferred till the next date of hearing.

11. Copy of the order be communicated to the learned Executing Court, for necessary information and compliance.

12. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

FEBRUARY 13, 2026/nk/ah