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

+ RFA 730/2025

SURINDER KUMAR GUPTA AND ORSAppellants

Through: Mr. C.P. Vig and Mr. Rajesh Vig,
Advocates.

versus

MOHAN KHANDELWALRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **11.08.2025**

CM APPL. 49096/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 49097/2025 (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 59 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 and disposed-of.



RFA 730/2025 & CM APPL. 49095/2025 (stay)

By way of the present regular first appeal filed under section 96 CPC, the appellants impugn judgment and decree dated 20.01.2025 passed by the learned District Judge, Central District, Tis Hazari Courts, Delhi in suit bearing CS DJ No.18883/2016.

4. Upon being queried, learned counsel appearing for the appellants submits, that plaintiff No.2/M/s. Jeewan Deep Builders Pvt. Ltd. before the learned trial court was deleted from the array of plaintiffs in the suit; and has therefore not been impleaded in the present appeal.
5. Issue notice.
6. Upon the appellants taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.
7. Let the notice indicate that reply to CM APPL. No.49095/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
8. No reply is required in the appeal.
9. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
10. Re-notify on 28th October 2025 before the learned Joint-Registrar for completion of service; and completion of pleadings in CM APPL. No.49095/2025.
11. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

AUGUST 11, 2025/ak