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

+ RFA 778/2025

ROOP CHAND GAUTAM

.....Appellant

Through: Ms. Anju Gautam and Mr. Sunil
Kumar Gautam, Advocates.

versus

SIDHARTH GAUTAM & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **25.08.2025**

CM APPL. 52418/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 52416/2025 (condonation of 20 days' delay in filing the appeal)

By way of the present application filed under section 5 of the Limitation Act 1963, the appellant seeks condonation of about 20 days' delay in *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.
4. The appeal is taken on Board.
5. Application stands disposed-of.

RFA 778/2025 & CM APPL. 52417/2025 (for stay)

6. By way of the present regular first appeal filed under section 96 Code of Civil Procedure 1908, the appellant impugns judgment and decree



dated 03.05.2025 passed by the learned District Judge-01, North East District, Karkardooma Courts, Delhi, in suit bearing CS No.157/2020.

7. Ms. Anju Gautam, learned counsel appearing for the appellant submits, that there is no dispute as to the fact that each of parties *i.e.*, respondents Nos. 1 to 6, respondent No.7 and the appellant are entitled to a 1/3rd share in the suit property, which was the basis of the preliminary decree dated 11.07.2023, which was not challenged by any of the parties.
8. Counsel submits that *vide* order dated 26.04.2025, the learned trial court had recorded that an offer was made by the appellant (defendant No.1 in the suit) that he was willing to purchase the entire 1/3rd share of respondents Nos. 1 to 6 (who were the plaintiffs in the suit). Ms.Gautam points-out, that in fact respondents Nos. 1 to 6 had also expressed their acceptance of the offer so made.
9. It is pointed-out that order dated 26.04.2025 has been extracted in the impugned judgment dated 03.05.2025, but despite that, subsequently respondents Nos. 1 to 6 recanted on their acceptance, which has led the learned trial court to direct that the suit property be put to auction.
10. Counsel states, that the suit property is a family home; that the appellant has been in use and occupation of the property since birth; and the appellant is still ready and willing to purchase the 1/3rd share of respondents Nos. 1 to 6 in the suit property.
11. Upon being queried, counsel submits, that as recorded in the impugned judgment, the third co-owner of the property (who was defendant No.2 in the suit and respondent No.7 in the present proceedings) had already relinquished her share in favour of the



appellant; and the appellant is therefore 2/3rd owner of the suit property.

12. Issue notice.
13. Upon the appellant taking steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
14. Let the notice indicate that reply to CM APPL. No. 52417/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
15. No reply is required in the appeal.
16. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
17. Re-notify on 14th November 2025 before the learned Joint-Registrar for completion of service; and for completion of pleadings in CM APPL. No. 52417/2025.
18. List before court thereafter.
19. On a *prima-facie* view of the matter, in light of the submissions made, it is directed that the effect and operation of the impugned judgment and decree dated 03.05.2025 shall remain *stayed*, till the next date of hearing before this court.
20. In the meantime, the appellant is directed to place on record a copy of the final decree passed in the matter.

ANUP JAIRAM BHAMBHANI, J

AUGUST 25, 2025

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