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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RSA 133/2025
MAHENDER KUMARAppellant

Through: Ms. Ankita Chaudhary, Mr. Shreya
Balaji and Mr. Chand Kapoor,
Advocates.

versus

RANOJIRespondent

Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **29.08.2025**

CM APPL. 54365/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CM APPL. 54367/2025 (exemption from filing decree-sheet)

By way of the present application filed under Order XX Rule 6A read with section 151 of the Code of Civil Procedure 1908, the appellant/applicant seeks exemption from filing a copy of the decree sheet dated 09.06.2025.

2. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
3. Let the trial-court record as well as the first appellate court record be requisitioned in electronic form; and a copy be supplied to counsel, on request.
4. The application stands disposed-of.



CM APPL. 54368/2025 (for condonation of delay in *re-filing* the appeal)

5. By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellant seeks condonation of about 13 days' delay in *re-filing* the regular second appeal.
6. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
7. The application is allowed and disposed-of.

CM APPL. 54369/2025

8. By way of the present application filed under section 149 of the CPC, the appellant/applicant seeks extension of time to deposit the deficient court-fee.
9. Learned counsel appearing for the appellant submits, that court fee has since been paid; and the present application has become infructuous.
10. In view of the above, the present application is disposed-of as infructuous.

RSA 133/2025 & CM APPL. 54366/2025 (stay)

11. By way of the present regular **second** appeal filed under section 100 of the CPC, the appellant impugns judgment and decree dated 09.06.2025 passed by the learned District Judge, Dwarka Courts, New Delhi in first appeal bearing RCA CIVIL DJ ADJ No. 1/2025, whereby the learned first appellate court has set-aside judgment and decree dated 23.11.2024 passed by the learned Civil Judge, South-West District, Dwarka Courts, New Delhi in suit bearing CS SCJ No. 260/2020.



12. *Vide* judgment and decree dated 23.11.2024 passed by the learned trial court, the suit filed by the appellant (plaintiff) was decreed and the appellant was *inter-alia* granted a decree of possession.
13. Learned counsel appearing for the appellant submits, that as narrated in para 15 of the trial court judgement, once the rent agreement between the appellant and the respondent was proved, the landlord-tenant relationship between the parties also stood proved; and the respondent could not have challenged the ownership/title of the appellant.
14. Counsel argues, that though there also were a parallel set of documents comprising a general power of attorney, an agreement to sell, an affidavit and receipt in favour of the appellant, the genuineness of which had been denied by the respondent, yet the suit for possession was correctly decreed by the learned trial court, based on the landlord-tenant relationship between the parties which stood proved.
15. Counsel argues however, that the learned first appellate court has reversed the finding arrived at by the learned trial court.
16. In this backdrop, the questions of law as set-out in para 1 of the Memo of Appeal appear to require consideration.
17. Accordingly, issue notice.
18. Upon the appellant taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.
19. 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 copies to the opposing counsel.



20. No reply is required in the appeal.
21. Re-notify on 20th November 2025 before the learned Joint-Registrar for completion of service; and for completion of pleadings in the application.
22. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

AUGUST 29, 2025

V.Rawat