



\$~114

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

+ RFA 823/2025

VED PRAKASH SHARMA AND OTHERSAppellants

Through: Mr. Pankaj Kumar, Advocate.

versus

NISHA SHARMARespondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **01.09.2025**

CM APPL. 54906/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CM APPL. 54908/2025 (condonation of delay in re-filing)

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellants seek condonation of about 12 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 823/2025

CM APPL. 54907/2025 (condonation of 340 days' delay in filing the appeal)

4. By way of the present regular first appeal filed under section 96 read with section 151 CPC, the appellants impugn judgment and decree dated 21.08.2024 passed by the learned District Judge-03, Shahdara District, Karkardooma Courts, Delhi in suit bearing CS No.384/2022.
5. Mr. Pankaj Kumar, learned counsel appearing for the appellants submits, that the appellants are not aggrieved by preliminary decree dated 08.07.2023 passed in CS No. 384/2022, but are only challenging the direction for *auction* as contained in judgment dated 21.08.2024. whereby the learned trial court has directed that the suit property be sold by way of an auction sale.
6. Learned counsel submits, that as recorded in order dated 26.03.2024, upon instructions of their respective clients, counsel appearing on behalf of the parties, had reached a consensus regarding division of the suit property by erecting a partition wall, pursuant to which a Local Commissioner was appointed to ascertain the feasibility of partition of the suit property by metes and bounds.
7. Mr. Kumar submits, that since the appellants (plaintiffs in the suit) have not filed the requisite stamp-duty as of now, execution of the impugned judgment and decree would not proceed.
8. Issue notice.
9. Upon the appellants taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.



10. Let the notice indicate that reply to CM APPL. No. 54907/2025 be filed within 03 weeks of service; rejoinder thereto, if any, be filed within 02 weeks thereafter; with copy to the opposing counsel.
11. No reply is required in the appeal.
12. Let trial court record be requisitioned in electronic form; and copy of the TCR be supplied to counsel on request.
13. Re-notify on 18th November 2025.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 1, 2025

SS