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

+ **RFA(OS) 6/2024**

RAVINDER NANGIA

..... Appellant

Through: Mr Ashish Mohan with Mr Varun Garg and Ms Nitya Prabhakar, Advocates.

versus

PURAN CHAND SETHI & ANR.

..... Respondents

Through: Mr Arjun Dewan with Mr Akash Arora, Advocates for respondent no.2. Mr Hrishikesh Baruah with Mr Kumar Kshitij, Mr Anurag Mishra and Ms Radhika Gupta, Advocates for respondent Mr Ravi Sethi.

+ **RFA(OS) 7/2024**

RAVINDER NANGIA

..... Appellant

Through: Mr Ashish Mohan with Mr Varun Garg and Ms Nitya Prabhakar, Advocates.

versus

CPT. RAJESH SETHI S.C. & ORS.

..... Respondents

Through: Mr Arjun Mukherjee, Advocate for respondent no.1. Mr Arjun Dewan with Mr Akash Arora, Advocates for respondent no.3. Mr Hrishikesh Baruah with Mr Kumar Kshitij, Mr Anurag Mishra and Ms Radhika Gupta, Advocates for respondent Mr Ravi Sethi.

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CORAM:
HON'BLE MR JUSTICE RAJIV SHAKDHER
HON'BLE MR JUSTICE AMIT BANSAL

ORDER

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27.02.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 11723/2024 in RFA(OS) 6/2024

CM APPL. 11729/2024 in RFA(OS) 7/2024

1. Allowed, subject to just exceptions.

CM APPL. 11722/2024 *[Application filed on behalf of the appellant seeking exemption from filing the entire trial court record]* **in RFA(OS) 6/2024**

CM APPL. 11728/2024 *[Application filed on behalf of the appellant seeking exemption from filing the entire trial court record]* **in RFA(OS) 7/2024**

2. These applications have been rendered infructuous as the suit record has already been placed before the Court.

3. The applications are, accordingly, closed.

CM APPL. 11726/2024 *[Application filed on behalf of the appellant seeking exemption from filing decree-sheet]* **in RFA(OS) 6/2024**

CM APPL. 11732/2024 *[Application filed on behalf of the appellant seeking exemption from filing decree-sheet]* **in RFA(OS) 7/2024**

4. These are applications seeking exemption from filing the decree sheet.

5. Mr Ashish Mohan, learned counsel, who appears on behalf of the applicant/appellant, says that the applicant/appellant has not received a copy of the decree sheet even though an application has been lodged in this behalf.

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6. The applications are disposed of with a direction that as and when the decree sheet is received, the same will be placed on the Court record.

CM APPL. 11725/2024 [Application filed on behalf of the appellant seeking condonation of delay of 52 days in re-filing the appeal] in RFA(OS) 6/2024

CM APPL. 11731/2024 [Application filed on behalf of the appellant seeking condonation of delay of 52 days in re-filing the appeal] in RFA(OS) 7/2024

7. These are applications filed by the appellant seeking condonation of delay in re-filing the appeals.

8. According to the appellant, there is delay a of 52 days in re-filing the appeals.

9. Having regard to the period involved, the delay is condoned.

10. The applications are disposed of.

RFA(OS) 6/2024 and CM APPL. 11724/2024 [Application filed on behalf of the appellant seeking interim relief]

RFA(OS) 7/2024 and CM APPL. 11730/2024 [Application filed on behalf of the appellant seeking interim relief]

11. Mr Hrishikesh Baruah, learned counsel, informs the court that one of the respondents, i.e., Mr Puran Chand Sethi expired on 07.02.2023.

12. Mr Ashish Mohan, learned counsel, who appears on behalf of the appellant, says that he will take requisite steps in the matter.

12.1 Leave in that behalf is granted.

13. At the request of Mr Mohan, list the matters on 20.03.2024.

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14. The issue that arises for consideration is: if the learned Single Judge's finding that the suit property is Hindu Undivided Family (HUF) property is upheld, will the appellant be required to demonstrate readiness and willingness *qua* that portion of the property which belongs to the deceased - Puran Chand Sethi or *vis-à-vis* the entire property?

14.1 This and other aspects will be examined on the next date of hearing.

15. We may note that *via* the impugned judgment and decree, the learned Single Judge has directed that the appellant, i.e., Ravinder Nangia, will be refunded Rs.39,00,000/- along with interest at the rate of 6% per annum from the date the agreement to sell (21.03.2004) was terminated till the date of payment.

16. Mr Mohan says that pursuant to the aforementioned direction contained in the impugned judgment, the appellant has received a draft amounting to Rs.85,35,000/-. Mr Mohan says that consistent with the fact that the appellant has filed the above-captioned appeals, the said draft will be returned to the payer.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 27, 2024/tr

[Click here to check corrigendum, if any](#)

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