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

+ **RFA 866/2025**

M/S SHANTI VIJAY JEWELLERS & ANR.Appellants

Through: **Mr. A.K. Vashishtha, Mr. R.K. Singh
and Mr. Nishant Vashishth,
Advocates.**

versus

M/S GOYAL MODES, A PROPRIETORSHIP FIRM & ANR

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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13.10.2025

CM APPL. 57834/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 57835/2025 (condonation of 160 days' delay in re-filing the appeal)

By way of the present application filed under section 5 of the Limitation Act 1963, the appellant seeks condonation of about 160 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 866/2025 , CM APPL. 57832/2025 (stay) & CM APPL. 57833/2025 (condonation of 35 days' delay in filing the appeal)



4. By way of the present regular first appeal filed under section 96 of the Code of Civil Procedure 1908, the appellants impugn judgment and decree dated 30.09.2024 passed by the learned District Judge-01, New Delhi District, Patiala House Court, New Delhi in suit bearing CS No. 59517/2016.
5. Issue notice.
6. Upon the appellants taking steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
7. Let the notice indicate that replies to the applications bearing CM APPL. No. 57832/2025 and CM APPL. No. 57833/2025 be filed within 06 weeks of service; rejoinder(s) 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 23rd December 2025 before the learned Joint-Registrar for completion of service; and for completion of pleadings in CM APPL. No. 57832/2025 and CM APPL. No. 57833/2025.
11. List before court thereafter.
12. In the meantime, *subject* to the appellant depositing the entire decretal amount alongwith interest upto-date with the Registrar General of this court within 08 weeks from today, the effect and operation of the impugned judgement and decree dated 30.09.2024 in CS No.59517/2016 shall remain *stayed*, till the next date of hearing before this court.



13. The Registrar General is directed to retain the amount deposited in the form of a fixed deposit in a nationalised bank, initially for a period of 01 year; to be renewed for the same period from time-to-time, without awaiting any further directions from this court in that behalf, unless otherwise directed by the court.
14. The Registry is directed to bring to the notice of this court any non-compliance with the directions issued above.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 13, 2025

V.Rawat