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

CM APPL. 67228/2024 in

+ **RFA 695/2024**

URMIL GUPTA THROUGH SPA HOLDER SHRI ASHOK
KUMAR GUPTAAppellant

Through: Mr. Hari Haran, Advocate

versus

SUSHIL PRAKASH GUPTARespondent

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **19.11.2024**

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

CM APPL. 67228/2024 (for condonation of delay of 252 days in filing of appeal)

1. In furtherance of last order, this fresh application seeking condonation of delay in filing the appeal has been brought by the appellant. The application raises a serious issue that needs to be examined in detail. From the documents supporting the application, it appears that the appellant filed an application for certified copy of the impugned judgment and decree dated 19.10.2023 on 10.11.2023 but till 30.07.2024, the certified copy was not supplied and the certified copy agency continued giving fresh dates (*pdf 190*). Thereafter, the appellant filed fresh application for supply of certified copy on 02.08.2024 (*pdf 191*) and received SMS dated 05.11.2024 (*pdf 192*) informing that certified copy was ready to be delivered. The screenshot



printout of the SMS at *pdf* 192 does not reflect date but learned counsel has shown me in his mobile phone that the said SMS is dated 05.11.2024 and he shall file printout of the same within one week.

2. The issue to be examined is as to what caused delay in supplying certified copy of the judgment and decree dated 19.10.2023 till 05.11.2024. A copy of this order alongwith the copies of *pdf* pages 190-192 be sent to the learned Principal District & Sessions Judge, South-East District, Saket Courts, Delhi with the request to enquire into the issue and submit report within one week.

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3. Subject to appellant taking steps within one week, notice through all modes be issued to the respondent returnable on 06.03.2025, the date already fixed.

4. In the meanwhile, it being a money decree under challenge, subject to the appellant depositing with Registry of this court the entire decretal amount within four weeks, operation of the impugned judgment and decree shall remain stayed till the next date of hearing.

GIRISH KATHPALIA, J

NOVEMBER 19, 2024/as

Click here to check corrigendum, if any