



\$~44

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

+ RFA 876/2025

SHASHI KUMAR

.....Appellant

Through: Mr. Rakesh Tiku Sr. Advocate along
with Ms. Arpan wadhawan and Mr.
Monu kumar, Advocates.

versus

DINESH KUMAR & ANR.

.....Respondent

Through: Mr. Chaman Sharma, Advocate for R-
2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

%

29.04.2026

**CM APPL. 28526/2026 (under Order VI rule 17 read with Section 151
CPC seeking Leave to Amend the Appeal)**

1. An Application has been filed on behalf of the Appellant seeking amendment of the Appeal to incorporate a challenge to the final Decree which has been passed on 16.12.2025 by the learned District Judge, Delhi in CS No.2061/2016.
2. It is submitted that the amendments are consequential and in addition to the grounds already taken to challenge the Preliminary Decree. Firstly, the Application for Amendment does not specify which paragraphs or the Regular First Appeal are sought to be amended and what is the extent of amendment.
3. Considering that there is an independent right to challenge the Final Decree, the Application is disposed of with liberty to the Appellant to file a



fresh Regular Appeal against the Final Decree of Partition.

4. The Application is accordingly disposed of.

CM APPL. 28527/2026 *(under Order XLI Rule 5 read with Section 151 CPC on behalf of the Appellant for Stay of the Execution of the Judgment and Final Decree dated 16.12.2025)*

5. An Application has been filed on behalf of the Appellant seeking stay of the Execution of the Judgment and Final Decree dated 16.12.2025.

6. In view of the observations made in CM APPL. 28526/2026, the present Application also stands disposed of.

RFA 876/2025

7. List on 23.09.2026, the date already fixed.

8. Interim Order, if any, to continue.

NEENA BANSAL KRISHNA, J

APRIL 29, 2026/va