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

+ RFA 894/2025 & CM APPL. 59922/2025, CM APPL. 59923/2025

TRILOK CHAND

.....Appellant

Through: Mr. Rajesh Yadav, Sr. Advocate with
Mr. Sunil Chauhan and Ms. Vatsala
Chauhan, Advocates.

versus

JITIN KUMAR SHARMA AND ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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23.09.2025

CM APPL. 59924/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

RFA 894/2025 & CM APPL. 59922/2025 (stay)

CM APPL. 59923/2025 (condonation of 316 days' delay in filing the appeal)

By way of the present regular first appeal filed under section 96 of the Code of Civil Procedure 1908 ('CPC'), the appellant impugns judgment and decree dated 31.07.2024 passed by the learned District



Judge-03, South-West District, Dwarka Courts, New Delhi in suit bearing CS DJ ADJ 16038/2016.

2. Issue notice.
3. Upon the appellant taking steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
4. Let the notice indicate that replies to CM APPL.No. 59922/2025 and CM APPL.No. 59923/2025 be filed within 06 weeks of service; rejoinders thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
5. No reply is required in the appeal.
6. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
7. Re-notify on 09th December 2025 before the learned Joint-Registrar for completion of service; and for completion of pleadings in the applications.
8. Mr. Rajesh Yadav, learned senior counsel appearing for the appellant submits, that the appellant is in possession of the suit property bearing No. B-46, Shyam Vihar Colony, Phase-II, New Delhi pursuant to judgment and decree dated 30.10.2017 passed in Suit bearing CS No.25609/2016 filed by the appellant against respondents. Nos. 6 and 8.
9. Learned senior counsel submits, that in a separate suit, from which the present appeal arises, in the first instance a compromise decree dated 19.02.2013 was passed based on a compromise between respondent No.6 and respondent No.8. That decree was then set-aside *vide* order dated 30.08.2018; and has subsequently been restored on an



application filed by a third party, one Kiran Sharma (predecessor-in-interest of respondents Nos. 1 to 5). It is submitted that Kiran Sharma was impleaded as a defendant in those proceedings on 27.09.2021, on an application made under Order I Rule 10 CPC; and was subsequently transposed as a plaintiff *vide* order dated 30.11.2021, leading to the passing of the impugned judgment and decree, whereby the appellant is now sought to be dispossessed from the suit property based on the said compromise between respondent No.6 and respondent No.8.

10. Mr. Yadav argues, that the appellant was impleaded in the suit as defendant No.3 *vide* order dated 20.11.2015, and the appellant's claim to ownership of the suit property *has not been disputed*, since by way of the impugned judgment and decree dated 31.07.2024, the suit has only been allowed *partly* to the extent of restoring the compromise decree dated 19.02.2013; but the *suit has been dismissed* as against the remaining defendants, *including the appellant*.
11. Attention in this behalf is drawn to paras 17, 18 and 20 of the impugned judgment.
12. On a *prima-facie* view of the matter, based on the submissions made, and on a perusal of the impugned judgment, it is directed that the effect and operation of impugned judgment and decree dated 31.07.2024 shall remain *stayed* till the next date of hearing before this court.
13. Upon being queried, Mr. Yadav explains, that the cause for the delay in filing the present appeal was the omission on the part of the counsel who was representing the appellant before the learned trial court, in



informing the appellant of the outcome of the suit; and the appellant is contemplating action against that counsel before the Bar Council of Delhi.

14. The regular first appeal will be considered subject to the final outcome of the condonation of delay application.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 23, 2025/ss