



\$~73

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

+ RFA 896/2025

SH ISMAIL & ANR.

.....Appellants

Through: Mr. Vijayant Sharma, Advocate.

versus

SMT KHERUNISHA ALIAS KHAIROON NISHA AND ORS

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

22.09.2025

CM APPL. 60087/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 60088/2025 (condonation of 14 days' delay in re-filing)

By way of the present application filed under section 5 of the Limitation Act 1963 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellants seek condonation of about 14 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 896/2025, CM APPL. 60085/2025 (stay) & CM APPL. 60086/2025
(production of additional evidence)

4. By way of the present regular first appeal filed under Order XLI Rule 1 read with section 96 CPC, the appellants impugn judgment and decree dated 06.06.2025 passed by the learned District Judge-01, North-East District, Karkardooma Courts, Delhi in suit bearing CS No.314/2019.
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 CM APPL. No. 60085/2025 and CM APPL. No. 60086/2025 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. Upon being queried, as to whether the appellants are still in possession of the suit property, learned counsel for the appellants submits that it is unclear as to whether the appellants are in possession of the suit property.
11. Counsel submits that bailiff has been appointed by the learned Executing Court. Let counsel produce the orders passed by the learned Executing Court in this regard.



12. Re-notify on 05th December 2025 before the learned Joint-Registrar for completion of service; and completion of pleadings in CM APPL. No. 60085/2025 and CM APPL. No. 60086/2025.
13. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 22, 2025/ak