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

+ EX.S.A. 1/2025

HAFIZ MOHD SAMI (SINCE DECEASED)
THROUGH HIS LEGAL REPRESENTATIVESAppellants
Through: Mr. Diwan Singh Chauhan,
Advocate.
versus

ASHOK KUMAR & ORS.Respondents
Through: Mr. Gaganmeet Sachdeva, Standing
Counsel, Mr. Harshpreet Singh
Chadha and Mr. Hridyesh Khanna,
Advocates for MCD.

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **28.10.2025**

CM APPL. 60596/2025 (*Exemption*)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CM 60597/25 (*Delay of 27 days in re-filing*)

3. By virtue of the present application, the appellant seeks condonation of a delay of 27 days in re-filing of the captioned appeal.
4. For the reasons stated, and considering that the Legal Representatives of the appellant are all senior citizens aged above 80 years, the present application is allowed.
5. The application stands disposed of.

EX.S.A. 1/2025

6. By virtue of the present appeal, the appellant seeks the following



reliefs:-

- “a) call for records of Ld. Courts below;*
- b) accept the present appeal with costs through out;*
- c) set-aside the impugned judgment dated 21.4.2025 passed by Shri Vinay Singhal, Ld. District Judge, Tis Hazari Courts, Delhi in MCA DI 17/25 and Order dated 23.8.2024 passed by Ld. Addl. Senior Civil Judge, Tis Hazari. Courts, Delhi, in Execution Petition No.148/2013 (OLD)9848212016 (NE\Ð titled as 'Hafiz Ahmed Sami (since r deceased) through LRs vs. Ashok Kumar. and Ors.', in the interest of justice;”*

7. Learned counsel for the appellant submits that he has since filed the documents in compliance of the last order. However, learned counsel for the Municipal Corporation of Delhi (**MCD**) submits that he is yet to receive the same. Be that as it may, learned counsel for the appellant has supplied the said documents to learned counsel for the MCD in Court.

8. Issue notice.

9. Learned counsel appearing for MCD accepts notice.

10. Upon the appellant taking requisite steps within a period of five days, issue notice to the remaining respondent by all permissible modes, returnable on 20.11.2025.

11. Let the Trial Court Record be requisitioned in e-form before the next date of hearing.

SAURABH BANERJEE, J

OCTOBER 28, 2025/NA