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

+ RFA(COMM) 464/2024, CM APPL. 65056/2024 & CM APPL. 65058/2024

OMAXE DESIGNER TILE & ORS.Appellants

Through: Mr. Abhishek Sharma, Adv.

versus

OMAXE LIMITED & ANR.Respondents

Through: Mr. Sagar K. Pradhan, Mr. Anant Aditya Patro and Mr. Samarth Mehrotra, Advs.

Mr. Anant Aditya Patro, Mr. Samarth Mehrotra and Dr. Sagar Kumar Pradhan, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER

% **05.02.2026**

1. Learned Counsel for the respondents submits that this appeal is barred by time and it is not accompanied by any application for condonation of delay.

2. Learned Counsel for the appellants submits that the appeal was originally filed on 10 October 2024 with an application for condonation of delay but that the Registry returned the main appeal with objections and when it was refiled after removing objections on 5 November 2024, the Registry stated that no application for



condonation of delay was required to be filed in view of the time taken for obtaining certified copy.

3. We have calculated the time taken to file the appeal after deducting the time taken for obtaining certified copy. We feel *prima facie* that there is still some delay in instituting the appeal for which an application for condonation of delay would be necessary.

4. We, accordingly, permit the appellants to file an application for condonation of delay within a week from today with advance copy to learned Counsel for the respondents.

5. We also direct the Registry to ascertain as to whether the appellants had sought to file an application for condonation of delay, which was not placed on record by the Registry as it was of the opinion that no such application was required.

6. To our mind, the Registry is bound to place all applications which are filed by a party before a Court and it is for the Court to take a view as to whether the application is required or not.

7. We direct the Registrar General, Delhi High Court to examine as to whether an application was in fact filed by the appellants for condonation of delay and was not placed on record before the Court.

8. Let a clarification in that regard be also placed on record before the next date of hearing.



9. Re-notify on 26 February 2026.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

FEBRUARY 5, 2026/gunn