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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(OS) 63/2025, CM APPL. 63571/2025 (Ex.), CM APPL. 63572/2025 (Stay) & CM APPL. 63573/2025 (Delay of 64 days in Re-filing the Appeal)

SHRI SAMAY GARGAppellant

Through: Mr.Imran Khan and Ms.
Aarushi Jain, Advocates

versus

SHRI RAM KUMAR GARG & ORS.Respondents

Through: Nemo

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER

% **10.10.2025**

CM APPL. 63573/2025

1. By way of the present application filed under Section 5 of the Limitation Act, 1963, the Applicant/Appellant seeks condonation of delay of **64 days** in re-filing the present appeal.
2. For the sufficient reasons stated in the application, the delay is condoned.
3. Accordingly, the present application stands disposed of.

CM APPL. 63571/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

RFA(OS) 63/2025 & CM APPL. 63572/2025 (Stay)

1. The present Appeal, under Section 96 read with Order XLI of the Civil Procedure Code, 1908 read with Section 10 of the Delhi



High Court Act, 1966, assails the Judgment dated 20.05.2025 passed by learned Single Judge in CS (OS) 186/2022.

2. Learned counsel for the Appellant *inter alia* contends that the learned Single Judge has erred in rejecting the plaint while returning the finding of fact based on documents which were not filed by the Plaintiff along with the plaint.

3. Issue notice.

4. At this stage, Registry is directed to issue notice to the Respondent Nos.3 & 8 (Defendant Nos. 3 & 8 who filed application under Order VII Rule 11 of the Code of Civil Procedure, 1908) by all permissible modes, returnable on 11.02.2026.

5. Appellant is at liberty to serve the notice to the afore-said Respondents through their counsel appearing before the learned Single Judge.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 10, 2025/rk/va