



\$~66

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

+ RSA 169/2025

MR. S.M ANIS

.....Appellant

Through: Mr. Praveen Pandey, Advocate.

versus

ASLAM PARVEZ KHAN & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 27.10.2025

CM APPL. 66608/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 66607/2025 (condonation of 70 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 appellant seeks condonation of about 70 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.

RSA 169/2025

4. By way of the present regular second appeal filed under section 100 CPC, the appellant impugns judgment and decree dated 03.05.2025 passed by the learned Senior Civil Judge, Central District, Tis Hazari Courts, Delhi in appeal bearing RCA/SCJ/1812022 as well as judgment and decree dated 20.05.2022 passed by the learned Civil



Judge-07, Central District, Tis Hazari Courts, Delhi in suit bearing CS No. 94739/2016.

5. On hearing Mr. Praveen Pandey, learned counsel appearing for the appellant, and upon perusing the proposed questions of law set-out in the memo of appeal, and the judgments of the learned trial court and of the first appellate court, this court is of the view that the following substantial question of law appears to arise in the present case:

Where landlord-tenant relationship is admitted, is a plaintiff required to prove 'title' to the property before seeking the relief of permanent and mandatory injunction in relation to unauthorized construction being undertaken by the defendant in such property.

6. Though other questions of law may also arise, those will be considered subsequently.
7. Issue notice.
8. Upon the appellant taking steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
9. No reply is required in the appeal.
10. Let trial court record alongwith first appellate court record, be requisitioned in electronic form; and copy thereof be supplied to counsel on request.
11. Re-notify on 12.01.2026 before the learned Joint-Registrar for completion of service.
12. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 27, 2025/ss