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

+ **RFA 83/2025**

ASHOK KUMAR

.....Appellant

Through: Ms. Pushti Gupta, Advocate.

versus

ZAHIR UDDIN AND ORS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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31.01.2025

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 5977/2025 (exemption from filing of trial court record)

1. The appellant is directed to place on record the complete trial court record within two weeks. Accordingly, the application stands disposed of.

CM APPL. 5978/2025 (for condonation of delay of 18 days in refiling)

2. For the reasons mentioned therein, the application is allowed and delay in re-filing the appeal after removal of defects is condoned.

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3. The appellant has assailed rejection of plaint in his suit for recovery of money. The plaint was rejected for the reason that the suit is barred by limitation because the agreement to sell was executed in the year 2013 and the suit was filed in the year 2024 for return of the earnest money. Admittedly, the suit filed by the appellant was not for specific performance of the agreement to sell.



4. Subject to the appellant taking steps within one week, notice be issued to respondents through all modes returnable on 08.07.2025 before Registrar.

GIRISH KATHPALIA, J

JANUARY 31, 2025/ry

Click here to check corrigendum, if any