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

+ **RSA 28/2025**

BALLI RAM

.....Appellant

Through: Mr.Deepak Singh, Adv.

versus

SUNITA SINGH

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **11.02.2025**

CM APPL. 8029/2025 (Exemption)

Exemption is allowed subject to all just exceptions.

In view of the above, the application stands disposed of.

RSA 28/2025

1. The present regular second appeal has been filed challenging the order dated 25.04.2024 in RCA Civil DJ ADJ No. 27/2023 titled as Balli Ram v. Sunita Singh whereby the appeal filed against the judgment and decree of learned ACJ-CCJ-ARC/South West, Delhi in CS SCJ 26967/2016 titled *Sunita Singh v. Balli Ram* was dismissed.
2. Learned counsel for the appellant submits that appellant has resided in the disputed property following Shiv Prasad's death and have will in their favour.
3. Learned counsel submits that the learned Trial Court and Appellant Court has wrongly taken into account the unregistered document including an Agreement to Sell (ATS), General Power of Attorney (GPA) and Will which are in statutory violation of in the Indian Registration Act.



4. Issue notice to the respondent through all permissible modes upon taking steps by the petitioner, returnable on 08.07.2025.
5. In the meantime, let TCR be requisitioned in the digital format before the next date of hearing.
6. Let both the parties file brief written submissions not exceeding five pages [with reference to the PDF page number of the digital record of the Court] along with relevant judgments [with an index of the specific paragraphs of the said decision and the corresponding proposition of law, to be relied on] within four weeks with an advance copy to the opposite party at least a week in advance before the next date of hearing.

CM APPL. 8025/2025

7. The present application has been moved for condonation of delay of 134 days in filing the appeal.
8. Issue notice to the respondent through all permissible modes upon taking steps by the petitioner, returnable on 08.07.2025.

CM APPL. 8026/2025

9. The present application has been moved seeking an injunction to restrain the respondent from creating any third-party interest or encumbrance on the subject property and to stay the execution proceedings in Execution Case No. 749/2023.
10. Learned counsel submits that since the title of the respondents are not clear, the operation of the impugned order may be stayed.
11. In the case of ***U. Sudheera & Ors. v. C. Yashoda & Ors.***, Civil Appeal No. 567 of 2024 (arising out of SLP(C) No. 27761 of 2024), the Apex Court emphasized that in a second appeal under Section 100 of the



Code of Civil Procedure (CPC), the High Court is not empowered to grant an ad-interim stay unless the formulation of substantial question of law is complete.

12. In the present case, there are two concurrent findings and no substantial question of law has arisen. Hence, ad-interim ex parte cannot be granted.

13. Issue notice to the respondent through all permissible modes upon taking steps by the petitioner, returnable on 08.07.2025.

CM APPL. 8027/2025

14. The present application has been moved for condonation of delay of 48 days in re-filing the appeal.

15. Issue notice to the respondent through all permissible modes upon taking steps by the petitioner, returnable on 08.07.2025.

CM APPL. 8028/2025

16. The present application has been moved seeking 90-day extension to pay the remaining court fees of ₹7,000/-.

17. Learned counsel submits that the appellant is daily wage earner and seeks some time to file the deficient Court fees.

18. Let the appellant pay the deficient remaining Court fees within 90 days.

19. In view of the above, the present application stands disposed of.

DINESH KUMAR SHARMA, J

FEBRUARY 11, 2025

Pallavi/NA