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

+ RFA(OS) 9/2025

DUSHYANT CHIKARA

.....Appellant

Through: Mr. Aaditya Vijaykumar, Mr.
Pursoth Kannan & Ms.
Pratishtha Chauhan, Advs.

versus

ZEESHAN ALI AND ANR

.....Respondents

Through: Mr. Mukul Gupta, Sr Adv with
Mr. Tushar Gupta & Mr.
Parinay Gupta, Advs. for R1.
Mr. M.A. Inayati, Adv. for R2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **23.05.2025**

CM APPL. 10192/2025 (Delay-35 days in re-filing)

1. The learned counsel for respondent No.2 shall supply a copy of the reply filed by him to this application to the learned counsel for the appellant during the course of day.

2. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

RFA(OS) 9/2025 & CM APPL. 10190/2025

3. The learned senior counsel for respondent No.1 has drawn our attention to the communication dated 07.01.2025 addressed by the Registrar to the appellant, informing the appellant that he needs to deposit the deficient Court fee amounting to Rs.1,79,966/- for



preparation of the decree, within two weeks of the receipt of the said communication. He further points out that the present Appeal has been filed on the basis of a decree which clearly states that it is not executable and shall become executable only on the payment of the deficit Court fee of Rs.1,79,966/- by the plaintiff, that is, the appellant herein. He submits that to his belief, the appellant has not deposited the said deficit Court fee.

4. He further submits that there is also a deficit Court fee affixed with the present appeal.

5. The learned counsel for the appellant prays for time to seek instructions on the above submissions.

6. It is made clear that, in case the appellant has not deposited the deficit Court fee with the Registrar of this Court for the preparation of the decree or deposited the entire court for this appeal, he shall do so within a period of two weeks from today, failing which, the appeal shall automatically stand dismissed without any further reference to this Court.

7. The learned counsel for the appellant submits that he has deposited a sum of Rs.20,00,000/- as arrears of the *mesne* profits in terms of the Order dated 25.02.2025.

8. The learned senior counsel for the respondent submits that the amount deposited, if at all, would still be deficient.

9. The learned counsel for the appellant shall seek instruction on this aspect as well, and if the Order has not been fully complied with, ensure that it is complied with within a period of two weeks from today.



10. List on 14th July, 2025.
11. In the meantime, the *Interim* Order shall continue subject to the above conditions being complied with by the appellant.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 23, 2025/pr/kz/ik

Click here to check corrigendum, if any