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

+ **RFA(COMM) 1/2026**

KAJAL SINGHAL

.....APPELLANT

Through: **Mr. Arvind Kumar Gupta, Advocate.**

versus

DHARAM CHAND JAIN

.....RESPONDENT

Through:

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

% **05.01.2026**

CM APPL. 242/2026 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 243/2026 (delay in re-filing)

3. The present application is filed seeking condonation of delay.
4. For the reasons disclosed in the application, the same is allowed and the delay of 20 days in re-filing the present appeal is condoned.
5. The application stands disposed of.

RFA(COMM) 1/2026 & CM APPL. 241/2026

6. We have heard Mr. Arvind Kumar Gupta, learned counsel for the appellant/plaintiff.
7. The judgment and decree under challenge is dated 19th September, 2025, passed by the learned District Judge, Commercial Court, wherein the



suit for specific performance and injunction came to be dismissed.

8. From the factual matrix of the case, it appears that the Delhi Development Authority executed a lease in favour of the respondent/defendant with effect from 29th May, 1964 for a period of 20 years and the same was valid until 28th May, 1984.

9. After the lease period expired, an agreement to sell came to be entered into on 1st January, 2019, agreeing to sell the rights as were existing in the suit property in relation to which the aforesaid details are provided.

10. According to Mr. Gupta, there could have been a contingent decree in terms of the judgment of the Apex Court in the matter of ***Babasaheb Dhondiba Kute v. Radhu Vithoba Barde (2024) 4 SCC 310***.

11. In alternate, he would claim that if the decree for specific performance is not granted, in such an eventuality the alternate relief that was claimed by the appellant was in relation to the refund/compensation.

12. According to us, the suit claim was within limitation in spite of which the commercial Court has not looked into the aforesaid aspect of the matter.

13. Let there be notice to the respondent through all permissible modes, returnable on 24th April, 2026.

NITIN WASUDEO SAMBRE, J

AJAY DIGPAUL, J

JANUARY 5, 2026

Sk/ryp