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

+ **RFA 95/2026**

MRS AHILYA TYAGI SENIOR CITIZEN

.....Appellant

Through: Mr. Rakesh Chander Agrawal and
Mr. Kartik Kumar Aggarwal,
Advocates

versus

HARVINDER SINGH

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **02.02.2026**

CM APPL. 5737/2026

1. Allowed, subject to all just exceptions.
2. The Application stands disposed of.

RFA 95/2026, CM APPL. 5736/2026 & CM APPL. 5739/2026

3. Regular First Appeal under Section 96 of the Code of Civil Procedure, 1908 (CPC) has been filed against the judgment and decree dated 09.07.2025 whereby the Suit of the Plaintiff/Respondent for Specific Performance of Agreement to Sell dated 30.08.2019 has been decreed and possession is directed to be handed over by the Appellant to the Respondent/Plaintiff in addition to restraining the Defendants from creating third party interest in the Suit Property.
4. Learned Counsel for the Appellant submits that it is an *ex parte* decree which has been passed against the Appellant. She was never served



in the present Suit. Moreover, her Application under Order IX Rule 7 CPC filed at the stage of final arguments, has been dismissed *vide* Order dated 01.07.2025.

5. The Appeal is supported with the Applications 5736/2026 and 5739/2026 under Sections 141/151 of the Code of Civil Procedure, 1908 (CPC) filed for stay of impugned judgment dated 09.07.2025 and for condonation of delay of 136 days in re-filing the present Appeal, respectively.

6. On filing PF, Notice be issued to the Respondent in the Appeal as well as in the Applications mentioned above, through ordinary electronic modes, returnable before the learned JR on 09.03.2026.

7. E-Trial Court Record be summoned on or before the next date of hearing.

CM APPL. 5738/2026

8. Application under Sections 149/141/151 of the Code of Civil Procedure, 1908 (CPC) has been filed seeking extension of time for filing the Court Fees.

9. Learned Counsel for the Appellant submits that the Court Fees shall be filed within 15 days.

10. Let the needful be done accordingly and thereafter, Notice be issued in the main Appeal, Stay Application and condonation of delay Application.

11. The Application stands disposed of.

NEENA BANSAL KRISHNA, J

FEBRUARY 2, 2026

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