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

+ RFA 266/2026, CM APPL. 18181/2026 (for additional evidence), CM APPL. 18206/2026 (stay)

SH. MOHIT GUPTA

.....Appellant

Through: Mr. Sumit Bansal, Sr. Advocate with
Mr. Rajiv Kr. Ghawana, Mr. Amit
Kumar, Ms. Suchita Gupta, Ms. Tulna
Rampal, Advocates.

versus

SH. RAMESH CHANDER GUPTA & ORS.Respondents

Through: Mr. Sachin Gupta, Ms. Mahima
Chanchalani, Mr. Rajat Jain, Mr.
Rohit Pradhan, Ms. Prashansa Singh,
Advocates.

Mr. Raghav Gupta, Advocate for R2-
R5.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **23.03.2026**

CM APPL. 18208/2026 (Exemption)

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

CM APPL.18182/2026 (delay in refiling)

3. Application under Section 151 CPC has been filed on behalf of the Appellant seeking condonation of delay of 131 days in re-filing the accompanying Appeal.
4. Learned counsel for the Respondent submits that he is not contesting the Application and the same may be allowed.



5. In view of the submissions made and the reasons stated in the Application, the delay of 131 days in re-filing the accompanying Appeal, is condoned.

6. The Application is allowed and disposed of accordingly.

RFA 266/2026

7. Regular First Appeal under Order XLI Rule 1 read with Section 96 of the Code of Civil Procedure, 1908, has been filed on behalf of the Appellant against the Judgment and decree dated 30.06.2025 whereby the learned District Judge has passed a Decree of Permanent Injunction against the Appellant in respect of the part of the property in question, which has shown in red colour in the Site Plan. The Appeal is also supported with an Application bearing CM APPL. 18181/2026 under Order XLI Rule 27 CPC for leading additional evidence. It is stated that the right of leading the evidence of the Appellant, had been closed against which, he preferred a CM (Main) wherein because the Judgment had already been reserved, the liberty was given to the Appellant, to raise these contentions in the Appeal.

8. Issue Notice.

9. On advance Notice, learned counsel for the Respondent has appeared.

10. Learned counsel for the Respondent, has vehemently contended that he is seeking title from Mr. Devi Prashad, whose Suit for ownership on the basis of the documents, has already been dismissed. It is further submitted that in the Execution proceedings, Appellant's possession has already been taken by the Respondent, though, the Appellant is stating that no possession has been taken.

11. Written Submissions be filed by both the parties within eight weeks, failing which the same shall be accepted subject to cost of Rs.25,000/-, to be



deposited with the Delhi High Court Legal Advocates' Trust.

12. Be listed for arguments on 24.07.2026.

13. E-Trial Court Record be summoned for the said date.

NEENA BANSAL KRISHNA, J

MARCH 23, 2026/RS