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

+ RFA 624/2025

PITAMBER LAL VAISH

.....Appellant

Through: Mr. Vishal Thakur, Mr. Kshitiz Aggarwal and Ms. Amita Singh, Advocates.

versus

MS. SAIRA & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **16.07.2025**

CM APPL. 41400/2025 (exemption)

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 41402/2025 (condonation in re-filing the appeal)

By way of the present application filed under section 5 of the Limitation Act 1963, the appellant seeks condonation of about 173 days' delay in *re-filing* the regular first appeal.

2. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
3. The application is allowed.

CM APPL. 41401/2025 (exemption from filing trial court record)

4. By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellant seeks exemption from filing the complete trial court record.



5. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
6. However, in the meantime, let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
7. The application stands disposed-of.

RFA 624/2025 & CM APPL. 41399/2025 (condonation of 138 days' delay in filing the appeal)

8. By way of the present regular first appeal filed under section 96 read with Order XLI of the CPC, the appellant (plaintiff in the suit) impugns judgment and decree dated 01.05.2024 passed by the learned Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi in suit bearing CS No.273/2023.
9. Learned counsel appearing for the appellant submits, that the summary suit under Order XXXVII CPC has been *decreed* against respondent No.3 (defendant No.3 in the suit) by dismissing the leave-to-defend application filed by the said respondent; however, the suit has been *dismissed* against respondents Nos.1 and 2, with the learned trial court holding that the appellant (plaintiff in the suit) had failed to show that any money was advanced or remitted by the appellant to respondents Nos. 1 and 2.
10. Counsel submits, that despite the suit having been decreed against respondent No.3, he is unable to recover the amount; and on point of law, respondents Nos.1, 2 and 3 ought to have been made jointly and severally liable for the debt.



11. To support this submission, counsel draws attention to an agreement/receipt, where respondents Nos.1 to 3 have signed and admitted to borrowing a sum of 3,10,000/- from the appellant. A copy of the agreement/receipt is appended as Annexure-5 to the appeal.
12. Issue notice.
13. Upon the appellant taking steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
14. Let the notice indicate that reply to the application bearing CM APPL. No. 41399/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks; with copies to the opposing counsel.
15. No reply is required in the appeal.
16. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
17. Re-notify on 14th October 2025 before the learned Joint-Registrar for completion of service; and completion of pleadings in the application.
18. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

JULY 16, 2025

V.Rawat