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

+ **RFA 709/2025**

JOSPEH THOMAS

.....Appellant

Through: Mr. J.P. Sengh, Sr. Advocate with
Mr. Jagjit Singh Sahni, Mr. Gurpreet
Sahni and Mr. Amanpreet Singh,
Advocates.

versus

JYOTI PRAMANIK & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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05.08.2025

CM APPL. 47669/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CM APPL. 47667/2025 (for condonation of delay in re-filing the appeal)

By way of the present application filed under section 151 of the CPC,
the appellant seeks condonation of about 254 days' delay in *re-filing*
the regular first appeal.

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

The application is allowed and disposed-of.

CM APPL. 47670/2025 (for condonation of delay in filing the appeal)

By way of the present application filed under section 5 of the
Limitation Act 1963 read with section 151 Code of Civil Procedure



1908 ('CPC'), the appellant seeks condonation of about 08 days' delay in *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.
4. The appeal is taken on Board.

CM APPL. 47668/2025 (TCR)

5. By way of the present application filed under section 151 of the CPC, the appellant seeks exemption from filing the learned trial court record.
6. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
7. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
8. The application stands disposed-of.

RFA 709/2025 & CM APPL. 47666/2025 (stay)

9. By way of the present regular first appeal filed under section 96 read with section 151 of the CPC, the appellant impugns judgment and decree dated 31.05.2024 passed by the learned District Judge, Central District, Tis Hazari Courts, Delhi in suit bearing CS No. 18407/2016.
10. Mr. J.P. Sengh, learned senior counsel appearing for the appellant submits, that the appellant has been in possession of the apartment, that is the subject matter of the suit, since 1988, the apartment having been duly transferred in his name in the records of M/s Navketan Cooperative Group Housing Society Ltd., Azad Apartments, Aurobindo Marg, New Delhi.



11. Mr. Sengh further submits, that the original receipt for the sale consideration paid, original special power of attorney granted by respondent No.1, as well as the share transfer certificate, whereby the appellant was enrolled as a member of the society, were all before the learned trial court.
12. Furthermore, it is submitted that the suit itself came to be filed in 1994, despite respondent No.1 having admitted that he had knowledge of the transfer of the shares certificate in favour of the appellant in 1990; and yet he filed the suit beyond the period of limitation as prescribed under Article 59 of the Limitation Act, 1963 *i.e.* beyond the period of 03 years.
13. It is contended that all the above notwithstanding, the suit seeking declaration, possession and permanent injunction alongwith the recovery of damages and *mesne* profits has been allowed against the appellant.
14. While noting the aforesaid submissions, before proceeding further, the appellant is directed to place on record the copies of the receipt as well as the share transfer certificate of the society on record.
15. For the above purpose, re-notify on 08th August 2025.

ANUP JAIRAM BHAMBHANI, J

AUGUST 5, 2025

V.Rawat