



\$~140

* **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.
Amanpreet Singh and Ms. Harpreet
Kaur, Advocates.

versus

JYOTI PRAMANIK & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **11.08.2025**

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

Pursuant to what was recorded in order dated 05.08.2025, the appellant has placed on record certain documents under cover of index dated 06.08.2025.

2. One of the documents that the appellant has placed on record is a copy of Share Certificate dated 10.01.1977 issued by the Navketan Co-operative Group-Housing Society, 38, Northend Complex, Rama Krishna Ashram Marg, New Delhi in favour of the original allottee, one Smt. Santosh Pandit.
3. The appellant has also filed a copy of the endorsement made by the society in its records in relation to the transfer of the share in the society in favour of the appellant Shri Joseph Thomas, with the date of transfer being 25.12.1985.



4. Mr. J.P. Sengh, learned senior counsel appearing for the appellant submits, that as would be seen from a combined reading of the share transfer certificate and the endorsement appearing overleaf, the allotment of the apartment was transferred through transfer of the share held in the society from Smt. Santosh Pandit to Shri Jyoti Pramanik (respondent No.1 in these proceedings) and subsequently to the appellant.
5. Mr. Sengh has also drawn attention to a receipt dated 20.12.1978, a copy of which has been placed on record, to argue that the receipt evidences that a consideration of Rs. 50,000/- was paid by respondent No.1 to the appellant for transfer of membership and allocation of the apartment, which was received by respondent No.1.
6. It is further argued, that as was submitted during the hearing on 05.08.2025, the appellant has been in continuous possession of the apartment since 1988 (except for a period of time when the apartment was let-out and then taken back).
7. Mr. Sengh also points-out, that the suit came to be filed in 1995, despite respondent No.1 being aware in November 1990 itself that the appellant was using and occupying the apartment, as has been admitted by respondent No.1 at para 10 of the plaint.
8. It is accordingly argued, that other things apart, the relief claimed in the suit was time-barred in light of Article 59 of the Limitation Act, 1963.
9. Mr. Sengh points-out, that execution proceedings have now been filed and are listed before the learned executing court next on 19.08.2025.
10. Issue notice.



11. Upon the appellant taking steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
12. Let the notice indicate that reply to CM APPL. No.47666/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
13. No reply is required in the appeal.
14. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
15. On a *prima-facie* view of the matter, based on the documents placed on record and the submissions made, the effect and operation of the impugned judgment and decree dated 31.05.2024 shall remain *stayed*, till the next date of hearing before this court.
16. Re-notify on 28th October 2025 before the learned Joint-Registrar for completion of service; and for completion of pleadings in the application.
17. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

AUGUST 11, 2025

SS