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

+ RFA 210/2018
JYOTI DAR

.....Appellant

Through: Mr. Abhik Chimni, Mr. Maarooof,
Ms. Nabira Farman, Ms. Prajal
Abral and Mr. Anant Khajaria,
Advs.

versus

M R LAKHSHMI & ORS

.....Respondents

Through: Mr. Sarfaraz Hussain and Mr.
Yusuf Khan, Advs for R-1 & 4.
Mr. S.S. Tripathy, Ms. Bharti
Pawar
and Mr. G.S. Bagga, Advs for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.12.2024

CM APPL. 74364/2024 *(for removal of RFA No. 210/2018 from the
Regular List and placing it in the advance list)*

1. This is an application for placing an appeal filed by the appellant herein in the advance list, instead of the regular list of hearing matters.
2. The appeal is a first appeal, under Section 96 of the Code of Civil Procedure, 1908, against a judgment and decree of the learned Trial Court dated 31.07.2017, by which a suit filed by the appellant for various reliefs in respect of the suit property (*G-42/B, East of Kailash, New Delhi*) was dismissed.
3. The appeal has been admitted by order dated 29.08.2023, and



placed in the regular list, for hearing in its own turn.

4. During the pendency of the appeal, the appellant has also filed two applications for additional evidence (CM APPL. No. 7698/2018 and CM APPL. No. 6132/2023), seeking to bring on record evidence which was not placed before the Trial Court. Those applications are also to be considered alongwith the appeal.

5. It is evident that the first appeal against a final decree, would have to be considered on evidence. The Board of the Court does not permit such hearing to be taken in the “Advance list” of miscellaneous matters as sought.

6. The ground pleaded by the appellant is that she is in a financially precarious position. However, having regard to the Board of the Court and the pendency of older regular first appeals, no further priority can be granted at this stage.

7. The application is, therefore, dismissed.

PRATEEK JALAN, J

DECEMBER 18, 2024/tp/JM/