

Serial No. 04  
Regular List

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

**RFA No. 2004/2026**

**Manoj Gupta**

.....Appellant

Through: Mr. Aman Bhagotra, Advocate

**Vs**

**Vijay Gandhi & Ors.**

.....Respondents

Through:

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**  
**(29.05.2026)**

**01.** The respondent No. 1 herein, namely-Vijay Gandhi instituted a civil suit on file No. **52/Suit** of **2015** before the court of learned 2<sup>nd</sup> Additional District Judge, Jammu thereby seeking a money decree of **Rs. 44,56,000/-** along with interest @ **12%** per annum against three defendants who being the appellant/applicant herein and the proforma respondents No. 2 and 3 herein.

**02.** The learned trial court of 2<sup>nd</sup> Additional District Judge, Jammu came to decree the suit for an amount of **Rs. 28,90,000/-** along with interest *pendente lite and future* @ **7.5%** per annum payable from the date of

institution of the suit till actual realization by virtue of a judgment and decree dated **03.08.2024** against which the applicant/appellant, as defendant No. 1/judgment debtor No. 1, has come forward with a time-barred civil first appeal under Section **96 of the J&K Code of Civil Procedure, Svt. 1977**, by reference to the timeline of institution of the civil suit in the year 2015 when the **J&K Code of Civil Procedure, Svt. 1977** was governing the institution of civil suit.

**03.** A condonation of delay application came to be filed on **11.05.2026**.

**04.** Upon examination of the file, the examination counter came to notify the defects from serial No. 1 to 7 which are as under:-

- 1) **Improper nomenclature ;**
- 2) **Details of counsel, Identifier of petitioner not mentioned on prayer page, affidavit and Vakalatnama respectively ;**
- 3) **Page No. 19-20 misprint ;**
- 4) **Page No. 55 handwritten ;**
- 5) **Decree fees not attached ;**
- 6) **Date of Vakalatname not mentioned, and**
- 7) **Days of delay not mentioned.**

- 05.** The defects came to be notified by the Examiner on **11.05.2026** whereupon Section Officer by reference to a misdate of **01.05.2026** referred the file to be returned for removal of defects and the Deputy/Assistant Registrar vide his noting dated **12.05.2026** also endorsing the return of the file for removal of defects.
- 06.** Noting dated **21.05.2026** refers that despite notice, some defects still have not been removed which are the improper nomenclature, decree fees not being attached and page No. 55-(decree sheet) handwritten.
- 07.** Insofar as the defect No. 3 related to handwritten-decree sheet is concerned, the same cannot be taken to be a defect as the decree sheet is handwritten and that is why the certified copy has been issued so.
- 08.** Only two defects remain to be rectified for which the counsel for the applicant/appellant submits that since the applicant/appellant is out of station, as such, he was not able to do course correction for which he seeks time.
- 09.** Let the remaining defects No. 1 and 2 as notified in Office Noting dated **21.05.2026** be removed by or

before **06.06.2026** whereupon the application for condonation of delay be listed.

- 10.** In case, the applicant/appellant still defaults in carrying out the course correction, then the application for condonation of delay shall be deemed to have been consigned to records at the risk and cost of the defaulting applicant/appellant.

**(RAHUL BHARTI)  
JUDGE**

**JAMMU  
29.05.2026  
SUNIL**

