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

+ **FAO 83/2024**

**SUNIL DUTT BAKSHI**

..... Appellant

Through: Mr. Karan Luthra and Mr. Naman  
Gowda, Advs. along with appellant in  
person.

versus

**AVTAR KISHAN BAKSHI & ORS.**

..... Respondents

Through:

**CORAM:**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**ORDER**

**13.03.2024**

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**CM APPL. 15241/2024 (Exp)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**CM APPL. 15240/2024 (Delay Filing 213 days )**

3. The present application under Section 5 of the Limitation Act, 1963 read with Section 151 Civil Procedure Code, 1908 ("CPC") has been filed on behalf of the respondent for condonation of delay of 213 days in filing the appeal.

4. In view of the grounds as mentioned in the application the delay of 213 days in filing the appeal is condoned and the application is allowed.

**FAO 83/2024, CM APPL. 15239/2024 (Stay), CM APPL. 15242/2024 (Exp from filing Typed copy of Dim & Handwritten Annexures)**

5. The present appeal under Order XLIII(1)(r) read with Section 151 CPC has been filed assailing the order dated 03.05.2023 passed by the



learned Additional District Judge-10, Tis Hazari Courts, Delhi (“Trial Court”), in Civil suit No. 586/2022 titled as “*Sunil Dutt Bakshi vs. Avtar Kishan Bakshi and Ors.*”, whereby the learned Trial Court has dismissed the appellant’s application under Order XXXIX Rules 1 and 2 of CPC. The appellant herein is the plaintiff before the learned Trial Court.

6. Learned counsel for the appellant submits that he wishes to withdraw the present petition reserving liberty to move a fresh appropriate application as per law before the learned Trial Court with respect to preserving the subject property.

7. In view of the submissions, permission is granted with liberty as prayed for.

8. Accordingly, the present petition along with the pending applications stands disposed of.

**SHALINDER KAUR, J.**

**MARCH 13, 2024**  
SDS