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

CM APPL. 30369-30370/2025 & CM APPL. 9335/2026

IN

+ RFA 312/2016

KRISHNA DEVI & ORS

.....Appellants

Through: Mr. Avinash Tyagi, Advocate.
Mr. Rishabh Jain, Advocate.

versus

RAVINDER KUMAR BABBAR

.....Respondent

Through: Mr. Vijay Sehgal and Ms. Sanjan,
Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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17.02.2026

**CM APPL. 30369/2025 (seeking set aside of order dated 03.09.2024) &
CM APPL. 30370/2025 (seeking condonation of delay in filing CM APPL
30369/2025)**

1. CM APPL. 30369/2025 has been filed seeking set aside of the order dated 3rd September 2024, whereby the matter was dismissed in default.
2. It is contended on behalf of the appellants/applicants that the appeal was admitted on 11th May 2016 and the appellant did not receive any court notice fixing the date of hearing in the matter.
3. CM APPL.30370/2025 has been filed seeking condonation of delay of 214 days in filing the application seeking the restoration of the appeal.
4. It is stated that the appellants/applicant did not come to know of the passing of the aforesaid order and as soon as they came to know, the present



application has been filed.

5. Having heard the counsel for the parties and for the reasons stated in the applications, both the applications are allowed and the appeal is restored to its original number, subject to costs of Rs.20,000/- (Rs. Twenty Thousand Only), to be paid by the appellants to the respondent within two (2) weeks from today.

CM APPL. 9335/2026 (seeking stay of impugned judgment)

6. By way of the present application, the appellant seeks a stay of the impugned judgment and decree dated 2nd February 2016, passing a preliminary decree of partition in respect of the suit property.

7. Subsequently, a final decree of partition has also been passed on 30th October 2025, in respect of which, execution proceedings have been filed by the respondent.

8. In view thereof, there will be an interim stay of the impugned judgment and decree dated 2nd February 2016, till the final adjudication of the present appeal. However, it is directed that the appellant shall maintain *status quo* with regard to the title and possession of the suit property.

9. In terms of the aforesaid, the application stands disposed of.

RFA 312/2016

10. List on 30th July 2026, at 2:30 PM.

AMIT BANSAL, J

FEBRUARY 17, 2026

Vivek/-