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

+ **RFA 456/2022**

**ROBOKOPS PVT LTD**

.....Appellant

Through: Mr. Manish Sangwan, Mr. Harsh  
Khatrri, Mr. Nitesh and Mr. Karan,  
Advts.

versus

**E CITY PROPERTY MANAGEMENT SERVICES PVT LTD ANR  
& ANR.**

.....Respondent

Through: Mr. Siddharth Mittal, Mr. Abhijeet  
Varshney and Ms. Shilpa G. Mittal,  
Advts. for R-1.  
Mr. R.B. Sharma, Adv. for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

**25.03.2025**

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**CM APPL. 41100/2022 (For condonation of delay in filing the appeal)**

1. This application has been filed for condonation of delay of 4 days in filing the appeal.
2. The report of the Registry has been perused.
3. It states that the case was initially filed *vide* diary No.50565/2020 on 14<sup>th</sup> January 2020 and it was e-filed later on 10<sup>th</sup> November 2020.
4. It is stated that in view of the physical filing, there is no delay in filing the appeal.
5. In view of the same, the report of the Registry is, therefore, taken into account.
6. For the reasons stated in the said application, the same is allowed.



7. The delay of 4 days in filing the appeal is condoned.

8. Application is disposed of, accordingly.

**CM APPL. 41101/2022 (For condonation of delay in refiling the appeal)**

1. By this application, the condonation of delay of 905 days in refiling the appeal has been prayed for.

2. On 13<sup>th</sup> February 2024, the Court had allowed the appellant to file another affidavit explaining the delay.

3. The said affidavit has been perused. It is stated that there was a delay in refiling due to the Covid Pandemic which continued through 2021 and 2022. The erstwhile counsel of the appellant/company had been changed when it was discovered that he had failed to clear objections. The appellant/company then approached the subsequent counsel, who cleared the objections.

4. Counsel for the appellant, therefore, relies on the Supreme Court's decision on extending limitation *suo moto* in ***W.P.(C) 3/2020*** by order dated 23<sup>rd</sup> March 2020 and then subsequently, relaxations by order dated 23<sup>rd</sup> September 2021 and 10<sup>th</sup> January 2022.

5. Counsel for the appellant states that taking into account the Supreme Court's order of extending the limitation, a delay of only 77 days is there.

6. Counsel for respondent points out, that even the application for refiling has been filed by Mr. Surjit Singh Malhotra, the same counsel, that the appellant/company states had not pursued the matter further properly and, therefore, they had to change their counsel.

7. Even otherwise, a perusal of the impugned order would show that the appellant was the plaintiff in the suit and had not appeared before this Court despite service on 13<sup>th</sup> September 2018.



8. It is stated in the impugned order that the plaintiff had not led any evidence in support of the case. No evidentiary affidavit of any plaintiff's witness had been filed despite ample opportunities being given and the plaintiff's evidence was closed *vide* order dated 19<sup>th</sup> September 2019. Even the defendant No.1 had not appeared despite service on 13<sup>th</sup> September 2018 and the defendant's evidence was also closed *vide* order dated 09<sup>th</sup> October 2019. The matter was fixed for final arguments, but none of the parties appeared.

9. Accordingly, considering that the plaintiff had not discharged his burden of proof, the suit was dismissed.

10. In these circumstances, the Court is not inclined to allow the application for condonation of delay for refiling.

11. It clearly appears from the facts as noted above, that the appellant/company is not interested in pursuing this matter repeatedly, and this is a colossal waste of judicial time.

12. The Court does not countenance unnecessary delay, particularly of substantial periods of time.

13. In the opinion of this Court, this is a ruse by the appellant, to get over their own procrastination and inordinate delay and a lack of will and discipline, in pursuing their appeal.

14. This is further buttressed by the fact that even in the suit, they did not pursue the suit, did not file their evidence and the Trial Court had to then dispose of the matter based on the pleadings itself. Even the plaintiff/appellant did not appear for addressing final arguments and did not submit written arguments, despite opportunity being given.

15. Accordingly, the application is dismissed.



**RFA 456/2022**

1. The present appeal is dismissed.
2. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**MARCH 25, 2025/MK/na**