



2025:DHC:5938



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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 15.07.2025***

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C.R.P. 157/2023**ANIL SHANDILYA**

.....Petitioner

Through: Mr. Ravi Sharma, Ms. Srishti Sharma,
Mr. Pulkit Luthra, Advs.

versus

B.K. GUPTA (HUF)

.....Respondent

Through: Mr. Harsh Khanna, Mr. Sandeep
Khanna, Ms. Jayati Sidana, Ms.
Harshita Khanna, Advs.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM APPL. 31659/2023 [Condonation of delay in re-filing the Petition]**

1. This is an Application filed by the Petitioner seeking condonation of delay of 79 days in re-filing the Petition.
2. For the reasons as stated in the Application, the delay is condoned.
3. The Application stands disposed of.

C.R.P. 157/2023, CM APPL. 31658/2023 [Condonation of delay in filing the Petition]

4. The present Petition has been filed by the Petitioner under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC'] seeking to challenge an order dated 30.07.2022 passed by Ld. ADJ (Shahdara), Karkardooma Courts, Delhi [hereinafter referred to as 'Impugned Order']. By the Impugned Order, the suit filed by the Petitioner (Plaintiff before the learned Trial Court) has been dismissed as being barred



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by limitation. The learned Trial Court has also dismissed an Application under Section 14 of the Limitation Act, 1963 filed by the Petitioner/Plaintiff.

5. Learned Counsel for the Petitioner submits that the grounds for delay in filing the Petition, as set out in CM APPL. 31658/2023, are that the Petitioner had mistakenly filed a Regular First Appeal, however, the Registry had directed that “*the Regular First Appeal is not maintainable and had put objections*”.

5.1 Learned Counsel for the Petitioner submits that in view of the objections raised by the Registry, the Appeal has been delayed.

6. Learned Counsel for the Respondent (Defendant before the learned Trial Court) submits the present Petition is not maintainable before this Court since the suit has been dismissed by the learned Trial Court and only an Appeal is maintainable under Order XLIII of the CPC.

7. The Impugned Order dismisses the suit as being barred by limitation.

8. The Petition is accordingly dismissed. The pending Application stands closed.

9. Liberty is however granted to the Petitioner to take appropriate steps in accordance with law.

10. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JULY 15, 2025/jn