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

+ **RFA 379/2025 & CM APPL. 24922/2025**

MS. BABLI PANDEY

.....Appellant

Through: Mr. A. Rasheed Qureshi, Advocate.

versus

MUKUT LAL SHARMA & ORS.

.....Respondents

Through: SI Sahil Gahlawat, P.S.: Bindapur
Dwarka, Distt.

Mr. Sandeep Mahapatra, CGSC with
Mr. Tribhuvan and Mr. Ishaan
Malhotra, Advocates for R-5.

Ms. Sonica Tyagi, Advocate.

Mr. Varun Chandiok, Mr. Alok
Kumar and Ms. Anubhi Goyal,
Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **28.04.2025**

CM APPL. 24921/2025 (exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed-of.

RFA 379/2025

By way of the present appeal filed under section 96 of the Code of Civil Procedure 1908, the appellant impugns judgement and decree dated 04.01.2025 passed by the learned Additional Senior Civil Judge, South-West District, Dwarka Courts, New Delhi in suit bearing CS SCJ No. 25944/2016.

2. Upon being queried, Mr. Rasheed Qureshi, learned counsel appearing for the appellant fairly submits, that an appeal against the impugned



judgment and decree would be maintainable before the learned District Judge; and seeks leave to withdraw the present appeal, with liberty to file afresh before the learned District Judge, reserving all his rights and liberties.

3. Counsel explains that they have filed the present appeal before this court by reason of the fact that in earlier proceedings, *vide* judgment dated 25.10.2024 made in CM(M) No.1852/2024 relating to the same dispute between the same parties, this court had issued certain directions.
4. In the opinion of this court, the filing of a CM(M) petition under Article 227 of the Constitution could not have been the basis for the appellant to assume that the regular first appeal against the impugned judgment and decree would also lie before this court. That being said however, since the proceedings filed are a first appeal, to which the appellant is entitled on first principles, it is observed that any application seeking condonation of delay in filing the appeal before the learned District Judge would be considered sympathetically.
5. The appeal is disposed-of as withdrawn, with liberty as prayed for; without making any observations on the merits of the matter.
6. Pending applications, if any, stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 28, 2025

V.Rawat