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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RSA 76/2025, CM APPL. 26562/2025, CM APPL. 26564/2025
SARDARA SINGHAppellant

Through: Mr. Anuj Kumar, Advocate.

versus

MINICIPAL CORPORATION OF DELHI AND OTHERS

.....Respondents

Through: Mr. Vikas Chopra, Standing Counsel
with Mr. Neeraj Kumar, Advocate for
R1/MCD.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **02.05.2025**

CM APPL. 26563/2025 (exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed-of.

RSA 76/2025

CM APPL. 26562/2025 (ex-parte ad-interim injunction)

CM APPL. 26564/2025 (condonation of 2226 days delay in filing)

By way of the present regular second appeal filed under section 100 of the Code of Civil Procedure 1908, the appellant impugns judgment and decree dated 19.02.2019 passed by learned ADJ, South East District, Saket Court, New Delhi in RCA No.127/2017, whereby the appeal filed by the appellant was dismissed by the first appellate court.

2. By way of the first appeal the appellant had challenged judgment dated 28.04.2017, by which the appellant's suit was dismissed by the learned trial court as being time-barred.



3. Briefly, on 30.10.2009 the appellant had filed a suit seeking the relief of mandatory and permanent injunction and damages in respect of premises bearing Plot No. D-7/2, Okhla Industrial Area, Phase-II, New Delhi, from a part of which property the appellant claims he was running a *dhaba*.
4. As per the narration in the judgment of the learned trial court, the *dhaba* was sealed by respondent No.1/Municipal Corporation of Delhi on 11.11.2005 since it was being run without requisite license.
5. It is submitted, that the suit property was originally allotted to a partnership firm in which the appellant's mother became one of the partners after demise of the appellant's father. Subsequently, on an application made in that regard, the MCD de-sealed the suit property on 23.06.2006 and handed-over possession thereof to the appellant's mother.
6. In the impugned judgment, the learned trial court has concluded that from legal notice dated 27.07.2009 sent by the appellant to the respondent, it is clear that the appellant became aware that the "... .. seal of the suit property was tampered with... .." on 28.06.2006 but he filed the suit only on 30.10.2009; hence the suit was dismissed as being time-barred.
7. Subsequently, the first appellate court upheld the dismissal of the suit *vide* impugned judgment dated 19.02.2019.
8. Pertinently, the present regular second appeal has been filed after a delay of 2226 days *i.e. about 06 years*.
9. It is also noticed that no question of law, much less a substantial question of law, has been proposed in the appeal.



10. The position today is that the suit property was handed-back by the MCD to the appellant's mother *in 2006*; and since the appellant's mother has also passed-away on 20.03.2023, the property is now in the possession of her legal heirs.
11. In the circumstances, this court is not inclined to entertain the present regular second appeal for two reasons :
 - 11.1. The inordinate and unexplained delay of 2226 days in *filing* the regular second appeal; and
 - 11.2. The fact that no substantial question of law has either been proposed, nor does any such question seem to arise in the present case.
12. Accordingly, the appeal is dismissed at the stage of issuance of notice itself.
13. Pending applications, if any, also stand disposed-of.
14. Needless to add that the appellant shall be at liberty to take recourse to such remedies before the MCD or other authorities, as may be available to him, in accordance with law.

ANUP JAIRAM BHAMBHANI, J

MAY 2, 2025
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