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

+ RFA 844/2025

NIRANJAN LAL

.....Appellant

Through: Mr. Ram Kishan and Mr. Pramod
Kumar, Advocates.
Appellant in-person.

versus

M/S PARNIKA COMMERCIAL AND ESTATES PVT LTD

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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30.10.2025

CM APPL. 56365/2025 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

CM APPL. 56366/2025

By way of the present application filed under section 5 of the Limitation Act 1963 read with section 151 of the Code of Civil Procedure 1908, the appellant seeks condonation of about *15 years and 02 months*' delay in *filing* the regular first appeal.

2. Considering the period of delay, the court has heard Mr. Ram Kishan, learned counsel appearing for the appellant on the present application.
3. Counsel submits, that on 28.04.2010, the appellant (plaintiff in the suit) applied for a certified copy of impugned judgement dated



26.04.2010, whereby his suit for recovery of money was *partly* decreed; and its certified copy was received by him on 13.05.2010.

4. Counsel submits, that thereafter, on 17.05.2010 the appellant approached the Delhi High Court Legal Services Committee ('DHCLSC') for being assigned a legal-aid counsel to represent him. However, even though a legal-aid counsel was assigned to him, that counsel did not file the appeal and instead rendered an opinion that there was no justification for filing the regular first appeal. It is submitted that the legal-aid officials accepted the opinion of their counsel; and on the basis of that legal opinion, *vide* order dated 22.07.2010 the Officer on Special Duty at the DLSA declined the appellant's request for assigning a legal-aid counsel to the appellant.
5. Subsequently, the appellant filed an appeal against order dated 22.07.2010 declining legal-aid, which appeal was considered by the Chairperson of the DHCLSC, and *vide* order dated 02.08.2010, the appeal was dismissed, with the Chairperson agreeing with the opinion of the legal-aid counsel; and observing that the request for legal-aid was rightly declined to the appellant.
6. It is the appellant's case in the present application, that thereafter, he approached a private counsel and paid him a fee of Rs. 15,000/- in-cash as advance; and that the private lawyer drew-up the appeal in August 2010; got it signed from the appellant; and assured the appellant that the appeal had been filed, though in-fact he had not done so.
7. It is further the appellant's case, that on 06.09.2010, the appellant received an advance copy of the appeal *filed by the respondent*



challenging the same impugned judgement and decree dated 26.04.2010; whereupon, the appellant says, he was advised by his private counsel that the appeal signed by him would be filed as a counter-appeal; and would be decided along with the main appeal.

8. Counsel submits, that the appeal filed by the respondent, bearing RFA No. 645/2010 was dismissed for non-prosecution *vide* order dated 10.07.2024; and thereafter, the appellant (respondent in the said appeal) filed an application for release of the amount deposited in that appeal by the respondent (appellant in that appeal), which was recorded in order dated 26.05.2025 passed in that appeal. According to the appellant, the application for release of the deposited amount is still pending before a Co-ordinate Bench.
9. It is the appellant's contention, that though he enquired from his private counsel about the fate of his appeal (or counter-appeal), but he received no response in that behalf.
10. The present application also recites that the appellant filed a complaint against the legal-aid counsel, who had rendered an opinion against filing of the appeal; as well as against the private counsel, before the Bar Council of Delhi, which complaints stand dismissed *vide* order dated 05.05.2025 passed by the Bar Council of Delhi.
11. Counsel submits, that the appellant has filed a revision petition against the Bar Council's order dated 05.05.2025, which is pending adjudication before the Bar Council of India.
12. To be sure, the present application is bereft of any explanation as to what steps the appellant took to pursue his appeal (or counter-appeal),



that the appellant says was filed, or was supposed to have been filed, by his private counsel.

13. Also, nothing has been placed on record, to show that the appellant had ever sent any written communication to his private counsel, enquiring about the status of his appeal (or counter-appeal) that was to have been filed on his behalf. Though an oral submission has been made on behalf of the appellant, that he visited the residence of the private counsel, however, there is no means to verify that submission.
14. Since the appellant had not placed any relevant material before this court, this court has pulled-out certain orders passed by the Co-ordinate Bench in RFA No. 645/2010, including order dated 10.07.2024, by which RFA No. 645/2010 was dismissed for non-prosecution; as well as order dated 26.05.2025, which records that the appellant (respondent in that appeal) has moved an application for release of the amount deposited by the respondent (appellant in that matter) in that case. These orders show that the appellant's counsel had duly represented him in RFA No. 645/2010.
15. Orders dated 10.07.2024 and 26.05.2025 passed by the Co-ordinate Bench in RFA No.645/2010 are taken on record.
16. Upon being queried, learned counsel appearing for the appellant submits, that the appellant has also filed execution proceedings for enforcement of the partial decree that was passed in his favour *vide* impugned judgement dated 26.04.2010.
17. Upon a conspectus of the above, this court is of the view, that *even if* the averments contained in the present application and the submissions made in court are taken to be true, it is hard to accept



those as an explanation for the delay of *15 years and 02 months* in filing the present regular first appeal.

18. As a sequitur to the above, this court finds no merit in the present application, nor any ground or justification for condoning the *delay of 15 years and 02 months in filing* the present appeal.
19. The application is accordingly dismissed.

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20. As a consequence of the above, the present appeal is dismissed as being inordinately time-barred.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 30, 2025

V.Rawat