



2025:DHC:8321-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(COMM) 550/2025, CM APPL. 59516/2025, CM APPL. 59517/2025, CM APPL. 59518/2025 & CM APPL. 59519/2025

DAUS PACKAGING INDIA PVT LTDAppellant
Through: Mr. Jitendra Mishra, Adv.

versus

AMIT SHARMARespondent
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **18.09.2025**

C. HARI SHANKAR, J.

CM APPL. 59517/2025

1. This appeal has been filed with an enormous delay of 483 days.
2. CM APPL 59517/2025, which seeks condonation of delay, reads thus:

“APPLICATION UNDER SECTION 5 OF THE LIMITATION ACT FOR CONDONATION OF DELAY IN FILING OF PRESENT FIRST APPEAL READ WITH SECTION 151 CPC

MOST RESPECTFULLY SHOWTH:

1. That the present petition is being filed Impugning the order dated 26th Feb 2024 passed by the Ld District Judge, Commercial Court, District West Tis Hazari Courts, Delhi in CS (Comm) No. 447/2023. The contents of the accompanying petition may be read as part of the present application.

2. That appellant has filed an application for condonation of delay in not filling appeal within 60 days.



3. That since November 2023 counsel for defendant suffering from, huge personal family difficulty as in the month of July counsel for the defendant lost his grandfather and after getting recovered from that huge loss father of the counsel met with an accident that created a huge mental trauma to the counsel of the defendant therefore appeal could not be filled within the stipulated time period before this Hon'ble Court.

4. That the delay of 483 days in filling of present appeal after deducting the 60 days period of filing an appeal before this Hon'ble court is neither deliberately' nor intentionally, but due to above mentioned reason beyond the control of Appellant.

PRAYER

It is therefore, most respectfully prayed that the delay of 483 days in filling of present application for condonation of delay may kindly be condoned, in the interest of justice.

3. It is clear that there is no explanation for condonation of any part of the delay in filing the appeal, let alone a delay as gross as 483 days.

4. No case for even for issuance of notice on the application for condoning of delay is made out.

5. The application is accordingly dismissed.

6. Consequently, RFA(COMM) 550/2025 is also dismissed on the ground of delay without going into merits.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

SEPTEMBER 18, 2025/dsn