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

+ RFA 1028/2025 & CM APPL. 70451/2025 (stay)

DEEPENDRA DUBEY

.....Appellant

Through: Mr. Sanjeev Kumar and Mr. Sachin
Yadav, Advocates.
Appellant in-person.

versus

SHOBHA RANI SHARMA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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03.12.2025

CM APPL. 70450/2025 (condonation of 38 days' delay in re-filing the appeal)

By way of the present application filed under section 5 of the Limitation Act 1963 ('Limitation Act'), the appellant seeks condonation of about 38 days' delay in *re-filing* the regular first appeal.

2. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
3. The application is allowed and disposed-of.

CM APPL. 70446/2025(condonation of delay in filing)

4. By way of the present application filed under section 5 of the Limitation Act, the appellant seeks condonation of about 09 days' delay in *filing* the regular first appeal.
5. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
6. The application is allowed.



7. The appeal is taken on Board.
8. Application stands disposed-of.

RFA 1028/2025

9. By way of the present regular first appeal filed under section 96 of the Code of Civil Procedure 1908 ('CPC'), the appellant impugns judgment and decree dated 27.05.2025 passed by the learned District Judge-01, South-West District, Dwarka Courts, Delhi in suit bearing CS DJ ADJ No.484/2020.
10. Issue notice.
11. A perusal of the record shows, that the impugned judgment has proceeded on the statement of the appellant (defendant) recorded before the learned trial court on 17.02.2024, which reads as follows :

“I am the defendant in the present case. I undertake to pay Rs. 2.50 lakhs to the plaintiff as full and final settlement/payment to the present civil suit. I pray for making installments of this amount to the court.”
12. As recorded in impugned judgment dated 27.05.2025, subsequently the appellant also paid 04 instalments towards the amount that he had admitted was due from him to the respondent in various sums, on 04 dates spanning 04 months, i.e., on 16.03.2024, 18.04.2024, 24.05.2024, and 05.07.2024 aggregating to Rs. 51,000/-.
13. In the circumstances, the learned trial court has proceeded to decree the suit under Order XII Rule 6 CPC, with the following observations :

“The perusal of the record reveals that the matter was settled between the parties on 17.02.2024 and the defendant gave an undertaking to pay a sum of Rs.2,50,000/- to the plaintiff as full and final settlement/payment to the present civil suit. The statement of



*the defendant was also accepted by Ld.counsel for plaintiff on behalf of plaintiff. Therefore, the defendant also made payment of Rs.51,000/- in installments on 16.03.2024, 18.04.2024, 24.05.2024 and 05.07.2024. The parties can not be allowed to wriggle out from their statements made before the court and accepted by the opposite party. Ld.counsel for defendant could not disclose any justified ground to disbelieve the statement made by the defendant. In the present facts and circumstances, **in view of admission, the suit filed by the plaintiff is decreed under Order XII Rule 6 CPC, for a sum of Rs.1,99,000/-(Rs. One Lakh Ninety Nine Thousand). The present suit is disposed off accordingly.***

(bold in original)

14. In light of the above, this court has heard learned counsel for the appellant, who submits that the statement made by the appellant on 17.02.2024 was under apprehension of adverse action by the court.
15. Counsel has however offered no cogent explanation as to why, pursuant to the statement recorded on 17.02.2024, the appellant also paid 04 instalments spanning 04 months, without any protest or demur.
16. In these circumstances, this court finds no basis or justification to entertain the present appeal.
17. The appeal is accordingly dismissed *in-limine*.
18. Pending applications, if any, also stand disposed-of.
19. It may be observed for the record, that since out of the admitted sum of Rs.2,50,000/-, the appellant had already paid Rs. 51,000/, the decree has been correctly passed for the remaining sum of Rs.1,99,000/-.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 3, 2025/ak