



2025:DHC:11811-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(COMM) 720/2025, CM APPLs. 81273/2025, 81274/2025,
81275/2025, 81276/2025, 81277/2025 & 81278/2025

NARESH SHARMA & ANR.Appellants
Through: Mr. H.K. Chaturvedi and Mr.
Sagar Chaturvedi, Advs.

versus

PRV INDUSTRIES & ANR.Respondents
Through:

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

JUDGMENT (ORAL)

% **22.12.2025**

C. HARI SHANKAR, J.

1. This appeal has been preferred against a preliminary decree dated 9 December 2022 and final decree dated 6 August 2024. The appeal has come to be filed on or after 17 December 2025 which is the date of the affidavit accompanying the appeal.

2. As this is a commercial appeal, periods of limitation have to be strictly followed and there have to be cogent ground for us to condone delay in view of the law laid down by the Supreme Court in *Government of Maharashtra v. Borse Brothers Engineers & Contractors Pvt. Ltd.*¹.

3. The explanation for the delay, as contained in CM APPL.



81275/2025 read thus:

“2. That the 1044 days in filing the present appeal against the preliminary decree dated 09.12.2022 is neither intentional nor deliberate, but has occurred due to circumstances wholly beyond the control of the Applicant/Appellant No.1, and therefore deserves to be condoned in the interest of justice.

3. That soon after the passing of the preliminary decree dated 09.12.2022, the Applicant/Appellant No.1, Naresh Sharma, fell seriously ill, due to which he was physically and mentally incapacitated and unable to take timely steps to challenge the said decree.

4. That the medical condition of the Applicant/Appellant No.1 deteriorated further and he had to undergo brain surgery, followed by post-operative treatment, during which period he was under strict medical advice for rest and continuous medical supervision.

5. That due to the said illness, surgery, and prolonged recovery period, the Applicant/Appellant No.1 was completely prevented from contacting his counsel, arranging necessary documents, or giving instructions for filing the appeal within the prescribed period of limitation.

6. That the Applicant/Appellant No.1 is a lay person with no legal background and was wholly dependent upon others for managing his affairs, and owing to his serious medical condition, there was neither wilful default nor conscious negligence in not approaching this Hon'ble Court within time.

7. That after partial recovery and upon being medically able to attend to his affairs, the Applicant/Appellant No.1 intended to pursue the legal remedy, however, before effective steps could be taken, circumstances beyond his control intervened.

8. That the Applicant/Appellant No.1 was arrested on 16.10.2025 and has been in Judicial Custody thereafter, and due to such incarceration, he was deprived of liberty, access to case records, and effective opportunity to seek timely legal assistance, which further contributed to the delay.

9. That while the Applicant/Appellant No.1 was in Judicial Custody, he was served with execution proceedings arising out of the preliminary decree, and it was only upon such service in custody that he first came to know about the existence, contents, and effect of the preliminary decree dated 09.12.2022.



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10. That immediately upon gaining knowledge of the preliminary decree during Judicial Custody, the Applicant/Appellant no.1 took steps through available legal channels to obtain legal advice and to challenge the said decree, thereby demonstrating bona fide conduct and due diligence.

11. That the period of serious illness, brain surgery, prolonged recovery, and subsequent Judicial Custody collectively constitute "sufficient cause" within the meaning of Section 5 of the Limitation Act, 1963, justifying condonation of delay."

4. It is clear that there is no explanation worth the name for the inordinate delay from challenging the preliminary decree dated 9 December 2022. Insofar as the final decree is concerned, for nearly a year, there is no explanation. The only statement that is to be found in the application is that on 16 October 2025, the appellant was incarcerated. There is not a word of explanation for the period from 6 August 2024 to 16 October 2025.

5. In these circumstances, it is clear that no case for condonation of delay of this appeal has been made out. The application for condonation of delay is dismissed. Accordingly, the appeal and all other applications filed with the appeal are also dismissed on the ground of delay without entering into merits.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

DECEMBER 22, 2025/aky