



\$~8 and 9

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

+ RFA(OS) 75/2025, CM APPL. 81701/2025, CM APPL. 81702/2025, CM APPL. 81703/2025, CM APPL. 81704/2025 and CM APPL. 81705/2025

ANIL ARORAAppellant

Through: Mr. Kanishk Arora, Adv.

versus

SURENDER KUMAR AND ANRRespondents

Through: Mr. Siddharth Mehta and Ms. Archi Aggarwal, Advs.

9

+ RFA(OS) 76/2025, CM APPL. 81721/2025, CM APPL. 81722/2025, CM APPL. 81723/2025, CM APPL. 81724/2025, CM APPL. 81725/2025 and CM APPL. 81726/2025

ANIL ARORAAppellant

Through: Mr. Kanishk Arora, Adv.

versus

SURENDER KUMAR AND ANRRespondents

Through: Mr. Siddharth Mehta and Ms. Archi Aggarwal, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

23.12.2025

%

1. The present two Appeals have been filed by the Appellant challenging the order dated 18.08.2025 passed by the learned Single Judge, whereby the application filed by the Appellant (Plaintiff before the learned Single Judge) seeking restoration of the two connected suits, which had been dismissed in default on 15.05.2006, was



dismissed. Notably the Appellant filed an application for restoration of the suits, after a lapse of nearly 18 years, along with an application seeking condonation of delay of 17 years 315 days in filing the restoration application.

2. Learned Single Judge, while adjudicating the aforesaid applications and taking into consideration the relevant facts and circumstances as pleaded by the Appellant, found that the explanation furnished for the colossal delay of more than 17 years was entirely insufficient. Consequently, the application seeking restoration of the suits came to be dismissed.

3. This Court has heard learned counsel representing the Appellant at length.

4. Learned counsel representing the Appellant submits that during the subsistence of the civil suit, at one stage, the matter was referred to Arbitration, with the arbitration panel comprising three elderly members of the family. He submits that one of the arbitrators, namely, Sh. Matwal Chand died on 21.10.2006, whereas the remaining two arbitrators allegedly kept evading the Appellant for nearly six to seven years.

5. It has been further submitted that the counsel representing the Appellant in the suit died on 08.04.2023.

6. This Court has duly considered the submissions made.

7. Undisputedly, late Sh. Matwal Chand, one of the Arbitrators, passed away on 21.10.2006, whereas the suits filed by the Appellant had already been dismissed for non-prosecution on 15.05.2006, i.e., approximately five months prior to his demise.

8. Consciously, it is a matter of record that, at one stage, the matter was referred to the Arbitral Tribunal; however, the Tribunal



failed to adjudicate the issue, whereafter, the matter was referred back to the Court. Subsequently, repeated opportunities were granted to the Appellant to appear, but he failed to do so.

9. Additionally, the argument made with respect to the demise of the Appellant's counsel before the learned Single Judge, could not be taken into consideration for the purpose of the restoration application, insasmuch as it is evident that the said counsel remained alive for nearly 17 years from the date of dismissal of suit for non-prosecution.

10. Keeping in view the aforesaid facts, there is no ground to interfere. Accordingly, both the present Appeals are dismissed. All pending applications also stand disposed of.

11. A photocopy of the Order passed today be kept in the connected matters.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 23, 2025/sp/hr