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

+ RFA 42/2026, CM APPL. 2662/2026, CM APPL. 2663/2026, CM APPL. 2664/2026

SACHIN SETHI

.....Appellant

Through: Mr. Rohit Singh, Ms. Shweta Priyadarshini, Ms. Nishi Singh and Ms. Bhagwati, Advocates

versus

KAMAL BASSI

.....Respondent

Through: *Appearance not given*

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

15.01.2026

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CM APPL. 2661/2026

1. Regular First Appeal under Section 96 of the Code of Civil Procedure, 1908 (CPC) has been filed on behalf of the Appellant against the judgment and Decree dated 12.07.2024 whereby the leave to defend Application filed by the Appellant was dismissed.
2. Present Application under Section 5 of the Limitation Act has been filed on behalf of the Appellant seeking condonation of delay of 495 days in filing the Appeal.
3. It is submitted in the Application that the Appellant has been undergoing extreme financial stress and hardship as his real sister Seema Mehta suffered from serious ailment of brain and breast for a long period and finally expired on 07.12.2024. Execution Petition No. 406/2025 has been filed. There is a delay of 495 days which is neither deliberate not



intentional and may be condoned.

4. Learned Counsel for the Appellant submits that Smt. Santosh Sethi, mother of the Appellant has died on 21.08.2025 and because of financial hardship, the Appeal could not be filed in time. It is also submitted that Respondent is none other than his own nephew being the son of the sister of the Appellant and the Respondent had stolen the cheque which has been made the basis of the judgment and decree.

5. ***Learned Counsel on behalf of the Respondent*** who has appeared on advance Notice, submits that the Complaint under Section 138 NI Act got dismissed on the technical grounds. The Appellant did not contest the said Petition even though the Appellant had appeared, and no defence of cheque being stolen, was ever taken. Furthermore, it is not that cheque which is the sole basis of decree, but the learned District Judge has also referred to the Bank transaction while decreeing the Suit.

6. It is further submitted that after the expiry of the Appeal period, the Execution was filed before the learned District Judge, Saket which had to be transferred to the Rohini Court because of the jurisdiction. The Appellant had appeared in Execution on 26.09.2025. He was well aware of the decree and also of the Execution proceedings.

7. There is no cogent explanation forthcoming to explain the delay. Pertinently, the Bank account of the Appellant has been attached, which has compelled the Appellant to approach this Court. There is no ground whatsoever to condone the delay in filing of the Appeal and the same may be dismissed.

Submissions heard and record perused.

8. Interestingly, Leave to Defend Application had been filed by the



Appellant which got dismissed on 07.12.2024, which was well within the knowledge of the Appellant. Not only this Complaint Case under Section 138 NI Act was filed in the year 2022, which was also contested by the Appellant. The Appellant throughout has been aware and has chosen not to file the Appeal.

9. Now, a specious ground has been taken that there was financial difficulties on account of the illness of the sister. There is no averment that the medical treatment was being sponsored by the Appellant or he in any way, was contributing for the treatment or in taking care of the sister. Merely to make an unfortunate event of demise of the sister as the basis of seeking condonation, is not appreciable. The Appellant has not been able to show any ground whatsoever for condonation of delay of 495 days in filing the Appeal against the Decree dated 12.07.2024 for a sum of Rs.20,00,000/- alongwith *pendente lite* and future interest @ 9% p.a under Order XXXVII CPC.

10. The Application is hereby dismissed. Consequently, the Appeal alongwith pending Applications, also stands dismissed.

NEENA BANSAL KRISHNA, J

JANUARY 15, 2026

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