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

+ RFA 47/2026, CM APPL. 2968/2026 (stay)

SH SANDEEP KUMAR

.....Appellant

Through: Mr. RR Bagh, Mr. Rajbeer, Mr.
Shailendra Kumar, Advocates.

versus

SMT SUMAN LATA

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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16.01.2026

RFA 47/2026 & CM APPL.2969/2026 (delay)

1. Appeal under Section 96 of the Code of Civil Procedure, 1908, has been filed on behalf of the Appellant against the Judgment and decree dated 11.04.2023 for a sum of Rs.11,50,000/- along with the *pendente lite* and future interest @ 6% p.a. The Appeal is supported along with an Application bearing CM APPL.2969/2026 under Section 5 of the Limitation Act, 1963 seeking condonation of delay of two years and eight months (970 days) in filing the accompanying Appeal.

2. It is submitted that there is a delay of two years and eight months in filing the present Appeal. The delay occurred due to lack of knowledge of the Impugned Judgment and decree. He was kept in dark and was misled by Sh. Sunil Srivastav (Defendant No. 1 in the main Suit), who did not disclose about the passing of the impugned Judgment. The Appellant came to know about it only on 28.01.2015 when the Defendant No. 4, Sh. Mohit Pal



informed him that a decree has already been passed against the Appellant. On acquiring the knowledge, the Appellant has got the present Appeal filed. It is claimed that the delay is neither intentional nor deliberate. The Appellant had acted *bona fide* and with due diligence. No prejudice shall be caused to the Respondent if the delay is condoned. On the contrary, grave and irreparable loss and serious injustice would be caused to the Appellant, if the delay is not condoned. Hence, a prayer is made for condonation of delay.

Submissions heard.

3. The perusal of the Impugned decree dated 11.04.2023 shows that it is a money decree passed against the four Defendants including the Appellant. It is submitted in the Application itself that the Appellant got misled by the Respondent No. 1 and that the Respondent No. 4 informed him about the decree only on 28.12.2025. The reasons given in the Application, are bereft of any merit especially considering that it was a decree against the four Defendants and by claiming that he was not informed by the Judgment Debtors, does not speak of any *bona fide*. No ground made out for condonation of delay.

4. The Application for condonation of delay is dismissed and the Appeal is also consequently dismissed and disposed of accordingly. The pending Applications, if any, also stand disposed of.

5. The Appellant is at liberty to join the execution which is already pending.

NEENA BANSAL KRISHNA, J

JANUARY 16, 2026/RS