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

+ **RSA 70/2026, CM APPL. 23706/2026**

PROMODOME COMMUNICATION PVT LTD.

.....Appellant

Through: **Mr. Dhruva Bhagat & Ms. Ashna
Bhagat, Advocates.**

versus

NEHRU YUVA KENDRA SANGHATHAN

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **13.04.2026**

CM APPL. 23704/2026 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

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3. Regular Second Appeal under Order XLII read with Section 100 of CPC has been filed on behalf of the Appellant against the Judgment dated 20.12.2024 whereby the learned District Judge has reversed the Decree of Recovery passed by learned Civil Judge vide Judgment dated 17.07.2020.

CM APPL. 23705/2026 (under Section 151 CPC read with Section 5 of the Limitation Act on behalf of the Appellant for Condonation of Delay in filing the Appeal)

4. The Regular Second Appeal is supported with an Application for Condonation of Delay of 300 days in filing the present Appeal.
5. It is submitted in the Application that the Appellant Sandeep Kapoor



was the Managing Director in the Company, who was responsible for the day to day affairs and is conversant with the facts of the present case. However, he is suffering from various ailments and is in continuous consultation with the Doctors. He got admitted in Sir Ganga Ram Hospital from 27.04.2025 to 01.05.2025. During the admission he was diagnosed to be suffering from Myositis.

6. It is evident from the Discharge Summary that Sandeep Kapoor was very normal and therefore, the consequences were not of the kind to make the patient approach the Hospital in the first instance. But in practical sense, due to gravity of the ailment, his day to day working got interrupted especially because of his mental frame of mind.

7. Sandeep Kapoor again consulted a Neurologist in Max Hospital, Saket on 13.08.2025, wherein the Doctor confirmed that he was suffering from Myositis and advised him for follow up treatment after investigations. The Discharge Summary and Prescriptions of Sandeep Kapoor are annexed, in support thereof.

8. It is asserted that Sandeep Kapoor is suffering on a continuous basis with a disease, for which there is not permanent cure and the pain in the body is recurring. He was not in a fit frame of mind physically and mentally to have taken a decision to file an Appeal, which was to be prepared by the Advocate and to send him for his approval.

9. Recently, in December, 2025 when the symptoms were a little on the down side, he could physically and mentally prepare himself to go through the Appeal paper work and he approved the Appeal for filing. The other Directors of the Company are notional Directors and are not involved in the day to day activities of the Company.



10. It is, thus submitted that the delay of 300 days in filing the Appeal may be condone.

Submissions heard and record perused.

11. As per the submissions made in the Application itself, the impugned Judgment is dated 20.12.2024 against which the Appeal could have been preferred within 90 days.

12. The explanation given for condonation of delay of 300 days is that on 27.04.2025 Sandeep Kapoor got admitted in Sir Ganga Ram Hospital, as he was detected to be suffering from Myositis. In the Application itself, it is submitted that the symptoms were not evident and he was normal and there were no serious consequences for him to have approached the Hospital, in the first instance.

13. These submissions in the Application itself show that for the 90 days within which the Appeal could have been filed, the Appellant was not in any kind of physical or mental difficulty on account of the disease that got detected subsequently.

14. Even thereafter, the Discharge Summary of Sir Ganga Ram Hospital is again is not reflective of any serious consequences. The Appellant only in August, 2025 again went for a consultation with a Neurologist in Max Hospital and has been taking medications regularly. Merely because the Appellant had been taking a treatment, itself reflects that his day to day activities were not impaired in a manner that he could not pursue the filing of the Appeal.

15. The **next aspect** which is of immense significant is that he was the Managing Director of the Appellant Company. On a query, it has been stated that the Company is working, though it is being managed by the



Managers. There is nothing mentioned in the Appeal to show that Sandeep Kapoor has not been able to manage the day to day affairs of the Company or that it is managed solely by the Managers.

16. Furthermore, it is claimed that the other Directors of the Company are notional, but neither their names nor the details have been indicated. Once, a Company was working and its day to day affairs were being managed, it is evident that there would have been the Managers competent to atleast, pursue the filing of the Appeal.

17. It is quite blatantly evident that there is no explanation for condonation of delay of 300 days, in filing the Second Appeal. The Application is dismissed.

18. The Application stand disposed of accordingly.

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19. In view of the observations in the CM APPL. 23705/2026, the present Regular Second Appeal also got dismissed and stands disposed of accordingly along with the pending Applications.

NEENA BANSAL KRISHNA, J

APRIL 13, 2026/va