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

+ RFA 364/2026, CM APPL. 24639/2026, CM APPL. 24640/2026 &
CM APPL. 24641/2026

PAWAN KUMAR SHARMA

.....Appellant

Through: Mr. Kailash Kumar Sharma,
Advocate

versus

JITENDER YADAV

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **16.04.2026**

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 07.10.2024 whereby the Leave to Defend Application of the Defendant/Appellant was dismissed on account of delay and the Suit of the Respondent was decreed in the sum of Rs.3.5 lakhs along with *pendent lite* and future interest @ 8% p.a.
2. The Appeal is supported with CM Application 24639/2026 under Section 5 read with Section 14 of the Limitation Act read with Order XLI Rule 3A CPC for condonation of delay of 457 days in filing the present Appeal.
3. It is explained that the Suit of the Plaintiff/Respondent has been decreed *vide* Order dated 07.10.2024 by learned District Judge under Order XXXVII CPC.



4. The Appellant filed an Application under Order XXXVII Rule 7 CPC for condoning the delay of 18 days in putting appearance under Order XXXVII Rule 3(1) CPC. The Application, however, was dismissed on 06.11.2024. Thereafter, the Appellant preferred a Review Application on 19.12.2024 and was dismissed on 16.05.2025. This Order was again challenged in CM(M) before this Court but it got dismissed in default on 07.11.2025.

5. The Appellant failed to pursue the CM(M) because the parties agreed to settle the matter before the learned Trial Court. Thereafter, the warrants of arrest were issued on 19.01.2026 and the Appellant filed his objections under Section 47 CPC on 24.01.2026 for cancellation of the warrants of arrest.

6. On 28.01.2026, the warrants of arrest was stayed by the learned Trial Court subject to deposit of Rs.1.5 lakhs, which were deposited by way of two demand drafts of Rs.1 lakh and Rs.50,000/- on 16.02.2026 and 13.03.2026, respectively. The matter is still pending in execution. The objections filed by the Appellant under Section 47 CPC, were dismissed on 24.03.2026. Hence, the Appeal has thereafter being filed and has been listed today for consideration.

7. Even if all the submissions of the Appellant are accepted that he is genuinely pursuing his remedies by way of Application under Order XXXVII Rule 7 CPC, Review and CM(M), then too after the CM(M) got dismissed on 07.11.2025. Thereafter, instead of challenging the judgment by way of Appeal, the Appellant chose to appear in the execution and proceed with his objection under Section 47 CPC. The objections got dismissed in March, 2026 and now the present Appeal has been preferred.



8. It is clearly evident that the Defendant/Appellant had full opportunity and time to file the Appeal in time. Even if the time till 07.11.2025 is excluded, then too, there is no explanation of delay from November, 2025 till today, i.e., the filing of Appeal.

9. The Appellant has failed to disclose any cause for condonation of delay. The Application is dismissed. Consequently, the Appeal along with pending Applications, is also dismissed.

NEENA BANSAL KRISHNA, J

APRIL 16, 2026

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