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

+ RFA 395/2026, CM APPL. 26496/2026 (stay)

M/S SHREYA INDUSTRIES

.....Appellant

Through: Mr. Mukesh Kumar Singh, Advocate.

versus

M/S ASP SEALING PRODUCTS LTD

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **22.04.2026**

RFA 395/2026 & CM APPL.26497/2026 (delay)

1. Appeal under Section 96 read with Order 41 Rule 1 of the Code of Civil Procedure, 1908 (as amended up-to-date) has been filed on behalf of the Appellant against the Judgment and decree dated 04.10.2021 whereby the Suit has been decreed for a sum of Rs.14,56,046/- along with the *pendente lite* and future interest @9% p.a.
2. The Judgment is supported with an Application bearing CM APPL.26497/2026 under Section 5 of the Limitation Act read with Section 151 CPC filed by the Appellant for condoning the delay of 1558 days in filing the Appeal.
3. It is submitted that after the impugned Judgment dated 04.10.2021 was announced, the Appellant had engaged one Advocate, Mr. Ram Prakash for filing the Appeal. He was informed by the learned counsel that the Appeal had already been filed and was pending but whenever it was enquired from him about the copy of the Orders of the Court, they were not provided on one pretext or the other. Ultimately, on enquiry, it has been revealed that no Appeal has been filed. The Appellant thus took the steps for



filing of the present Appeal, through the present Counsel. In the process, delay of 1558 days has occurred in filing the Appeal. The delay is neither deliberate or intentional nor *bona fide* but is due to facts narrated therein on account of inadvertence of the previous counsel, who had earlier been assigned the filing of the Appeal. It is expedient in the interest of justice, the delay of 1558 days in filing the Appeal be condoned.

Submissions heard and the record perused.

4. It is interesting condonation Application that has been filed wherein it is averred that the counsel had been engaged after the pronouncement of the Judgment on 04.10.2021 for filing of the Appeal Since 2021 till date, it is incomprehensible that how the Appellant was prevailed upon to accept that the Appeal had been filed when no Orders of the Court or dates were being informed to him.

5. Not only this, there is not a whisper in the entire Application as to how and when he finally came to know that no Appeal had been filed by the earlier counsel. It merely states that the counsel, now engaged has prepared the Appeal and filed in the Court. Even if all the submissions made in the Application is accepted, there is no reason whatsoever what to talk of sufficiency, which has been stated in the Application entitling the Appellant for condonation of delay of 1558 days. There is no merit in the Application, which is hereby dismissed and disposed of accordingly. Consequently the accompanying Appeal is also dismissed and disposed of accordingly. The pending Application also stands disposed of.

NEENA BANSAL KRISHNA, J

APRIL 22, 2026/RS