



\$~50

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

+ **EX.S.A. 1/2026**

**SANJAY**

.....Appellant

Through: Mr. Rakesh Kumar Khanna, Senior Advocate with Mr. Pramod Kumar, Ms. Piyushi Garg, Mr. Ajay Kumar Yadav and Mr. Kanti Tiwari, Advocates.

versus

**MANJU DEVI**

.....Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

% **24.04.2026**

1. This hearing has been done through hybrid mode.

**CM APPL. 27374/2026 (Exemption)**

2. Allowed, subject to all just exceptions. The application is disposed of.

**CM APPL. 27375/2026 (Delay of 22 days in re-filing)**

3. The present application has been filed on behalf of the appellant/applicant under Section 5 of the Limitation Act seeking condonation of delay of 22 days in re-filing the captioned appeal.

4. In view of the averments made in the application and in the interest of justice, the same is allowed and disposed of.

5. Delay of 22 days in re-filing the present appeal is condoned.

**EX.S.A. 1/2026**

6. The present second appeal under Section 100 read with Section 47 of



the CPC seeks the following prayers:

- “a. Set aside the impugned judgment and order dated 23.12.2025 passed by the Ld. District Judge-05, South West District, Dwarka Courts, Delhi in RCA No.116/2025, as well as the order dated 09.09.2025 passed by Ld. CJ-03, South West District, Dwarka Courts, Delhi in Execution Petition bearing Ex. Civil No.625/2023.
- b. Direct restoration of possession of the property, i.e. shop on ground floor bearing No. WZ-454, Main Road, Raj Nagar-I, Palam Colony, New Delhi-110045, to the Appellant.
- c. pass such other or further order(s) or grant such other relief(s) as this Hon’ble Court may deem fit, proper and just in the facts and circumstances of the present case.”

7. Learned Senior Counsel appearing on behalf of the appellant seeks leave of this Court to withdraw the present appeal with liberty to pursue the civil suit being CS No. 761/2017 titled as “Sanjay Kumar Vs. Manju Devi” and counter claim filed by the respondent being CS No. 273/2018 titled “Manju Devi Vs. Sanjay Kumar & Ors.”, pending before the learned District Judge, Dwarka Courts, Delhi.

8. Leave granted.

9. The present appeal is dismissed as withdrawn and disposed of accordingly.

10. Needless to state that the appellant is always at liberty to pursue his legal remedies in accordance with law.

11. Pending application(s), if any, also stand disposed of.

12. Order be uploaded on the website of this Court, *forthwith*.

**AMIT SHARMA, J**

**APRIL 24, 2026/sn/sg**