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

+ **RSA 89/2026, CM APPL. 27904-27905/2026 & 27907-27909/2026**

SURAJ BHAN AND ORSAppellants

Through: Appearance not given.

versus

PAL SINGH AND ORS.Respondents

Through: Mr. Sushant Singh, Adv. for MCD.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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27.04.2026

CM APPL. 27906/2026

1. Exemption allowed, subject to all just exceptions.
2. Application is disposed of.

RSA 89/2026, CM APPL. 27904-27905/2026 & 27907-27909/2026

3. Application bearing CM APPL. 27904/2026 under Section 5 of Limitation Act, 1963, read with Section 151 of CPC has been filed on behalf of the Appellants, seeking condonation of delay of 1245 days in filing the present Regular Second Appeal.
4. It is submitted that the Suit for Permanent Injunction was filed by the Respondents, which was decreed by learned Civil Judge, vide Judgment dated 16.08.2022. First Appeal was preferred against the said Judgment, which was also dismissed on 16.08.2022.
5. Present Second Appeal has been filed now, wherein the delay is of 1245 days. It is sought to be condoned on the grounds that Appellant No.1 is advanced age of 75 and was suffered with Prostate Cancer, Fibrosarcoma,



Nephrocalcinosis. During this period, he has gone with two surgeries with High Radiation Therapy. He also suffered from GallBladder issues and undergone Gall Bladder Removal (Cholecystectomy) in 2024. He is also suffering from Urinary Tract Infection (UTI) and Spinal Problems since 2022 to till now.

6. It is further submitted that Appellant No.2 is also of advanced age of 74 years, suffering from High Blood Pressure and has undergone with two Cataract Surgeries in 2024 and 2026, respectively. She also suffers from age related multiple ailments; Medical Reports are annexed herewith.

7. It is submitted that Appellants are lay persons and were not fully aware of the legal remedies available to them. After passing of the impugned Judgment, Appellants were under the *bona fide* belief that the matter had attained finality. They had a good case and were pursuing legal remedies with due diligence. However, because of lack of proper legal advice, time consumed in obtaining certified copies. Financial constraints, other personal difficulties and Appellants being laypersons not fully conversant with legal procedures and also Appellants being of advanced age of more than 70s could not file the Appeal within time.

8. Reliance is placed on Collector, Land Acquisition vs. Mst. Katiji, SC 1987; N. Balakrishnan vs. M. Krishnamurthy, (1998) 7 SCC 123; and Ummer vs. Pottengal Subida, (2018) 15 SCC 127.

Submissions heard and record perused.

9. **First aspect**, which glaringly emerges in the Application, is that the Execution Petition got filed in the year 2019 after the Judgment of learned Civil Judge dated 16.07.2019. As per the submissions of learned counsel for the Appellants, many a times Appellant No.1 had been appearing in person,



while on some dates no one appeared.

10. Second aspect, which stares at the face of record, is that immediately after the Judgment of learned Civil Judge, First Appeal was filed, which got dismissed on 16.08.2022. Immediately thereafter, Appellants had filed Suit for Permanent and Mandatory Injunction against Respondents on 19.09.2022.

11. These aforesaid facts clearly reflect that Appellants had appropriate legal advice and had been pursuing their remedies under Execution and also by way of filing an independent Suit against the Respondents, after dismissal of the First Appeal on 16.08.2022. Therefore, Appellants' claim that they were unwell and lack legal advice, does not get supported by the aforesaid facts.

12. It is evident that Appellants had been pursuing legal remedies, which obviously was with the advice of the counsel and had immediately, after dismissal of First Appeal, filed an independent Suit for Permanent and Mandatory Injunction against the Respondents / Plaintiffs, thereby belying their assertions of being persons of old age, incapacitated and having financial constraints.

13. No ground for condoning the delay of 1245 days in filing the Appeal, is shown.

14. There is no merit in the Application, which is hereby, **dismissed**.

15. In view of aforesaid, present Regular Second Appeal along with pending Applications is also **dismissed**.

NEENA BANSAL KRISHNA, J.

APRIL 27, 2026/R