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

+ RSA 86/2024, CM APPL. 26680/2024

AJAY KUMAR AND ORS

.....Appellant

Through: Mr. Rajat wadhwa, Mr. Gurpreet Singh, Ms. Anshika Juneja Saumitra Shikhar, Advocates.

versus

SHO PS DWARKA AND ORS

.....Respondent

Through: Mr. Jivesh Kumar Tiwari, CGSC with Ms. Samiksha, Advocate for R-1 to 3/UOI and SI Shankar, Delhi Police.
Mr. Shivam Sachdeva Additional Standing Counsel for MCD.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **20.01.2026**

1. Regular Second Appeal under Section 100 read with Order XLI of CPC has been filed on behalf of the Appellants against the Judgment dated 06.04.2024 passed by learned ADJ-02, South-West District, Dwarka Courts, Delhi, wherein learned ADJ in RCA CIVIL DJ ADJ No.14/2024 dismissed the Appeal on the sole **ground of limitation**.

2. Learned counsel on behalf of the Appellant submits that there was a delay of 223 days in filing the Appeal. Learned Counsel had obtained the Judgment of the Learned Civil Court on 07.07.2023, but chose not to file the Appeal within limitation. The Petitioners who are the poor uneducated vendors who are struggling to make their ends to meet.

3. It is further explained that because of the poverty, illiteracy and



ignorance of the vendors, they were not aware of the outcome of their Civil Suit. It is only when the Municipality came to evict them from their sites, that these Petitioners came to know about the Order of the learned Civil Court. They immediately changed the Counsel, who thereafter filed the Appeal on 31.01.2024.

4. **Learned counsel for Respondent No.4** submits that even though the certified copies of the Order had been obtained in July, 2023, the Appeal has been filed only in January, 2024 for which there is no explanation. The Appeal is, therefore, opposed.

Submissions heard and record perused.

5. The Civil Suit had been filed by the street vendors seeking Permanent Injunction from being uprooted from their site. The Civil Suit was rejected on the ground that the Civil Court does not have the jurisdiction to entertain the Suit. The Judgment of Suresh Chand Sharma vs. NDMC FAO106/2023 decided on 08.01.2025 by the Division Bench of this Court, had categorically held that the jurisdiction of the Civil Court is not barred in such matters.

6. It is well settled law that substantive rights of the parties cannot be discarded purely on technical grounds of limitation. Here is a case which merits a look into the facts of the case. Considering the background and the status of the vendors/Appellants and it is their livelihood which is in question, the impugned Order dated 06.04.2024 passed by learned ADJ, dismissing the Appeal on the grounds of limitation is hereby set aside. The delay in filing the Appeal is hereby condoned and the matter is remanded back to the learned ADJ-02, South-West, Dwarka Courts, Delhi, to consider the Appeal on merits.



7. Parties are directed to appear before the learned ADJ on 30.01.2026.
8. Till then the *status quo* be maintained by the parties.

NEENA BANSAL KRISHNA, J

JANUARY 20, 2026/VA