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

+ RFA 606/2023, CM APPL. 38775/2023

PUSHPA DEVI

.....Appellant

Through: Mr. Abhishek Kaushik, Advocate.
versus

KHAZAN SINGH

.....Respondent

Through: Sh. Sushil kr. Chauhan, Ms. Munazza,
Ms Mansi, Sh. Nikhlesh Gautam,
Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

25.02.2026

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1. Regular First Appeal has been filed to challenge the Judgment dated 01.06.2023 whereby the Civil Suit No. DJ 355/2023 for declaring the Judgment dated 20.07.2013 as Null and Void has been rejected under Order VII Rule 11 CPC for being barred by limitation.
2. Learned counsel for the Appellant stated that the Appellant came to know about the Judgment on 05.03.2014 when the Bailiff visited the premises. The Objections under Order 21 Rule 97 were filed which got dismissed on 17.01.2022. Thereafter, the Suit was filed on 08.05.2023 which has been rejected as barred by limitation. It is submitted that the time taken in pursuing the remedy by way of Objections in the Executing Court is liable to be excluded and the Suit is well within time.
3. Learned counsel for the Respondent has pointed out that there is material concealment of a Civil Suit CS No.8310/2016 which got filed on



11.11.2014 praying for same relief of declaring the Judgment Null and Void. The Civil Suit got Dismissed in Default on 12.04.2022. Instead of pursuing the said Suit, the present Suit was filed afresh which is nothing but an abuse of process of law and is also barred under law.

4. Learned counsel for the Appellant after some arguments seeks permission to withdraw the present Appeal.

5. In view of the submissions made, the Appeal is hereby permitted to be withdrawn and is disposed of accordingly along with the pending Application(s).

NEENA BANSAL KRISHNA, J

FEBRUARY 25, 2026/va