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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RSA 156/2023, CM APPL. 43625/2023 (for calling court record)
SHRI DHARAMPAL & ORS.Appellants

Through: Mr. L.B. Rai, Mr. Satvik Rai, Mr.
Kartik Rai, Mr. Vineesh Tyagi,
Advocates.

versus

SHRI.GANGABISHANRespondent
Through: Mr. Manish Vats & Mr. Hemant Vats,
Advocates.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
16.01.2026

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1. Regular Second Appeal under Section 100 of the Code of Civil Procedure, 1908, has been filed on behalf of the Appellants against the Judgment dated 13.01.2023 in RCA No. 08/2020 whereby the Application under Section 5 of the Limitation Act for Condonation of delay along with the Appeal, has been dismissed and consequently, the Appeal has been dismissed.
2. In the Impugned Order, it has been noted that there is a delay of about 202 days in filing the Appeal. However, the record shows that the Judgment of the Civil Judge was dated 31.05.2019 and the Appeal was filed on 18.01.2020. Inadvertently, the 90 days available to the Appellant to prefer the Appeal, has been added and there is a delay of about 120 days and not 202 days as mentioned in the Impugned Order.



3. It is also pertinent to note that the Appellant had relied upon the medical documents of his father for the month of December, 2018 and January, February, 2019 to show that the father was suffering from Cerebral Atrophy and the Appellant was busy in the treatment of the father and was suffering huge expenditure. The father has died in September, 2019. It was submitted that it is on account of the ailment of the father and thereafter, grieving on account of his death that the delay occurred.

4. While considering the reasons given and also taking a sympathetic view of the circumstances, pleaded by the Appellant and that there is a delay of about 120 days and not 202 days as was noted, the Impugned Order dated 13.01.2023, is hereby set-aside and the Regular First Appeal is remanded back to the learned District Judge (West), Tis Hazari Courts, Delhi, to be considered on merits. The Appeal is accordingly allowed and disposed of. The pending Application also stands disposed of.

5. The parties are directed to appear before the learned District Judge (West), Tis Hazari Courts on 30.01.2026.

NEENA BANSAL KRISHNA, J

JANUARY 16, 2026/RS