



\$~12

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

+ RFA 906/2023, CM APPL. 58312/2023, CM APPL. 48083/2025 and
CM APPL. 65428/2025

MS. AMINA BEGUM (SINCE DECEASED)
THROUGH LRS & ANR.

.....Appellants

Through: Mr. Chandrashekhar Singh Tomar,
Advocate

versus

SH. PARMANAND

.....Respondent

Through: Mr. G.L.N. Murthy and
Mr. Shivanand Sharma, Advocates

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **09.02.2026**

CM APPL. 58314/2023

1. Application under Section 5 of the Limitation Act read with Section 151 of the Code of Civil Procedure, 1908 (CPC) has been filed for condonation of delay in filing the present Appeal.
2. It is submitted that Suit of the Respondent, CS No. 615474/2016 titled *Parmanand v. Amina Begum*, was decreed by the learned Trial Court *vide* judgment dated 23.12.2021.
3. The First Regular Appeal was filed on 25.04.2022 *vide* Diary No. 738760/2022, but the Counsel was not able to remove the objections raised by the Dealing Assistant. The assurance was given to the Appellants that the same would be filed and listed. Thereafter, the Counsel did not inform the Appellants about the development in the Appeal. Despite repeated attempts, only excuses were given on one pretext or the other. Thereafter, the



Appellants contacted the present Counsel, who was apprised that the Appeal is under objection and has not been listed.

4. The Appellants, therefore, were unable to approach the Court in time resulting in delay of 684 days in filing the Appeal, condonation of which is sought by way of the present Application.

5. **Learned Counsel on behalf of the Respondent** has submitted that the grounds stated herein are absolutely without merit. The present Appeal dated 03.11.2023 is supported with the Affidavits of the Appellants of February, 2022, which has been notarized on 22.02.2022. Likewise, the Application under Order XLI Rule 5 CPC is dated 25.04.2022, but is supported with the Affidavit of 22.02.2022.

6. The documents filed by the Appellant as well as the Appeal itself, shows the frivolity of the explanation given for delay of 684 days and the delay is not liable to be condoned.

Submissions heard and record perused.

7. According to the Application, the First RFA was filed on 25.04.2022 *vide* Diary No. 738760/2022. It is the submissions of the Appellants themselves that the matter was not been pursued by the previous learned Counsel. However, the manner in which the documents, Affidavit, etc., have been filed on record, as detailed above, make this explanation as not tenable. Interestingly, the delay is supported with the Affidavit on February, 2022 and the Application under Order XLI Rule 5 CPC, is supported with an Affidavit of April, 2022.

8. In the light of the aforesaid circumstances, it cannot be said that there exists any ground for condonation of delay of 684 days.

9. The Application is hereby dismissed. Consequently, the Appeal



alongwith pending Applications, also stands dismissed.

NEENA BANSAL KRISHNA, J.

FEBRUARY 9, 2026

N