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

+ **RFA 22/2026, CM APPL. 1304/2026, CM APPL. 1306/2026 & CM APPL. 1307/2026**

SHRI AKSHAY KUMAR AND ANR

.....Appellants

Through: Mr. Rajesh Kajla, Mr. Sumant Datt
and Ms. Aparna Vishal, Advocates

versus

SMT KANTA DEVI AND ORS

.....Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **09.01.2026**

CM APPL. 1305/2026

1. Allowed, subject to all just exceptions.
2. The Application stands disposed of.

RFA 22/2026, CM APPL. 1304/2026, CM APPL. 1306/2026 & CM APPL. 1307/2026

3. Regular First Appeal under Section 96 of the Code of Civil Procedure, 1908 (CPC) has been filed against the judgment dated 12.07.2018 in Civil Suit 58753/2016 (Old No. 1259/09) wherein the suit filed by the Manju Devi, the mother of the present Appellant under Section 6 of the Specific Relief Act, was dismissed.
4. The present Appeal is supported with a CM Application No. 1304/2026 for condonation of delay in filing the present Appeal it is submitted that there is a delay of 2618 days in filing the present Appeal



5. It is submitted that after the passing of the judgment, the condition of the husband of Smt. Manju Devi was not well as he was suffering from various ailments including urine and hernia problem and it deteriorated, because of which he had to be frequently admitted in the hospital. Smt. Manju Devi had to carry out the complete arrangement for her husband. In January, 2019 Lallan Prasad, the husband had undergone surgery for hernia and was on complete bed rest. Thereafter due to poor health, he suffered fracture in August, 2019 and thereafter suffered from neurological disorder and brain hemorrhage in January, 2020. He died on 15.05.2023.

6. In the meanwhile, Smt. Manju Devi also suffered from Covid and had to be kept in quarantine. In the year 2021, most of the family members including Smt. Manju Devi was diagnosed with Covid and they took long time to recover. Smt. Manju Devi suffered brain hemorrhage and was under constant treatment since then. Smt. Manju Devi even gifted the property to Sri Mukesh Kumar Arya *vide* Deed dated 18.08.2021. Because of the prolonged illness, Smt. Manju Devi expired on 09.02.2025.

7. The Appeal could not be filed as all the LRs of Smt. Manju Devi were not giving consent. Only two LRs i.e. the Appellants herein, decided to contest the matter and as it was the last wish of Smt. Manju Devi and her husband to contest the case and recover the property from the Respondents, who had acquired it forcibly. It is submitted that the Appellants have a good *prima facie* case and the delay in filing the Appeal be condoned.

8. The judgment in Appeal is dated 12.07.2018. The spacious ground of ill health of husband and also of Smt. Manju Devi have been taken. However, the death summary of the husband is of the year 2020. Likewise, the medical documents of Manju Devi are of post 2023.



9. There is no cogent reason given for the condonation of delay. Pertinently, it is submitted in the Application itself that the property has been gifted by Smt. Manju Devi *vide* Deed dated 18.08.2021.

10. Considering the totality of circumstances, there is no ground for condonation of delay. The application is dismissed and consequently, the Appeal is also dismissed alongwith pending Applications.

NEENA BANSAL KRISHNA, J

JANUARY 9, 2026

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