



2025-DHC:2006



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 25<sup>th</sup> March, 2025***+ CM(M) 950/2022 & CM APPL. 21207/2023 & CM APPL.  
65276/2023 & CM APPL. 24369/2024

TILAK RAJ CHITKARA

.....Petitioner

Through: Present in person.

versus

MANISHA JAIN

.....Respondent

Through: Mr. Nipun Katyal with Mr. Nishchay  
Johri and Mr. Surya Pratap Singh  
Rana, Advocates**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The challenge in the present petition is with respect to order dated 25.05.2022, whereby the learned Appellate Court has dismissed the appeal, while refusing to condone the delay.
2. Learned counsel for respondent submits that though the order in question does not call for any interference as the petitioner herein had miserably failed to show any sufficient cause, in order to put quietus to the matter, he would have no objection if, without prejudice to his rights and contentions and subject to imposition of heavy cost, the delay is condoned and a direction is also given to the learned Appellate Court to dispose of such appeal, as expeditiously as possible.
3. Learned counsel for the respondent also submits that he has already received the possession of the tenanted premises in question.
4. Keeping in mind the overall facts of the case and the gracious concession given by the learned counsel for the respondent, the present



petition is disposed of by directing that the application filed by the appellant Mr. Tilak Raj Chitkara under Section 5 of Limitation Act, 1963 stands allowed and the delay in lodging the appeal stands condoned, subject to cost of Rs. 25,000/-

5. Let such cost be paid within two weeks from today to the opposite side before the learned Appellate Court.

6. Resultantly, the appeal in question i.e. 27 MCA DJ No. 01/2022 stands restored to its original position and original number.

7. It is also noted that when the present petition was taken up on 27.02.2023, the learned counsel for petitioner, on instructions, himself submitted that the petitioner was willing to deposit a sum of Rs. 1,00,000/- before this Court at admitted rate of rent of Rs. 2,000/- per month.

8. The above said amount was permitted to be deposited in four installments, at the rate of Rs. 25,000/- per month by way of interest bearing FDR with auto renewal clause.

9. It is submitted that such amount is still lying deposited in the registry.

10. The above said amount with accrued interest be disbursed to the concerned party, held entitled to, as per the eventual outcome of said appeal i.e. 27 MCA DJ No. 01/2022.

11. Petition stands disposed of in the aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**MARCH 25, 2025/sw/js**