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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 1018/2023 & CM APPL. 67368/2023**

RAJEEV RAINA & ANR. Appellants
Through: **Mr. Mayank Bansal, Advocate.**

versus

NIKHIL JAIN Respondent
Through: *Nemo*

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
% **13.03.2024**

CM APPL. 67367/2023 (Exemption)

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

CM APPL. 67368/2023 (Condonation of delay)

3. This is an application under Section 5 of Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 for condonation of delay in refiling the instant appeal.
4. For the reason stated in the application, the delay of 35 days in refiling the appeal is condoned.

The application is disposed of.

RFA 1018/2023 & CM APPL. 67369/2023

5. The instant appeal under Section 96 read with Order XLI Rule 1 of the Code of Civil Procedure, 1908, has been filed on behalf of the appellants seeking the following reliefs:



“(a) Allow the present appeal and set aside the impugned judgment dated 14.07.2023 passed by the Court of Ms. Gurmohina Kaur, ADJ-03, South District, Saket Courts, New Delhi in CS/DJ/223/22, titled Shri Rajeev Raina & Anr. V. Shri Nikhil Jain.

(b) Restore the suit bearing CS/DJ/223/22, titled Shri Rajeev Raina & Anr. V. Shri Nikhil Jain;

(c) Pass any other or further relief, which this Hon 'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the Petitioner and against the Respondent.”

6. Heard.

7. Issue notice to the respondent through all permissible modes on filing PF within one week.

8. List on 23rd July, 2024 before the Registrar for completion of service and pleadings.

CHANDRA DHARI SINGH, J

MARCH 13, 2024

rk/ryp

Click here to check corrigendum, if any