

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP (C) No. 25972 of 2023)

SAI CHARITABLE SOCIETY

APPELLANT(s)

VERSUS

GOVT. OF NCT OF DELHI & ORS.

RESPONDENT(s)

O R D E R

1) Leave granted.

2) The present appeal has been filed being aggrieved by the order dated 21.08.2023 passed by the High Court of Delhi rejecting Regular First Appeal No. 666 of 2023 on the ground of delay of 7 months and 22 days in filing. Out of the said delay, 4 months and 22 days delay may be exempted in terms of the order¹ of this Court passed due to COVID-19

¹Order dated 10.01.2022 in M.A. No. 21/2022 in Suo Motu W.P.(C) No. 3/2020

pandemic and it is only three months delay which has not been condoned.

3) After hearing learned counsel for the parties at length, we find that the Suit² was filed by the appellant for recovery of a sum of Rs.13,87,631/-. In the facts of the present case, dismissal of the appeal being barred by limitation is not justified. However, in case the appeal is allowed and the suit of the appellant is decreed on merit, the appellant may not be able to claim interest in light of the delay in filing the appeal. In this view and with an equitable approach, imposing the condition of not granting interest for delayed period, we direct the High Court to decide the Regular First Appeal on merit. As such, the impugned order stands set aside and the delay in filing appeal stands condoned in view of the above observations. Consequently, the Regular First Appeal be restored to its file and be decided on merits.

4) Accordingly, the appeal stands allowed and

2 2C.S. No. 271 of 2016 before District & Sessions Judge, District South-West, Dwarka Courts, New Delhi

disposed of in above terms. Pending application(s),
if any, shall stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ATUL S. CHANDURKAR]

New Delhi;
May 07, 2026.

ITEM NO.30

COURT NO.3

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 25972/2023

[Arising out of impugned final judgment and order dated 21-08-2023 in RFA No. 666/2023 passed by the High Court of Delhi at New Delhi]

SAI CHARITABLE SOCIETY

Petitioner(s)

VERSUS

GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

Date : 07-05-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI

HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

Mr. Rajni Kant, Adv.
Mr. Shafik Ahmed, Adv.
Ms. Anju, Adv.
Ms. Apsana Khatoon, Adv.
Mr. Danish Saifi, Adv.
Mr. Sunny, Adv.
Ms. Vibha Singh, Adv.
Mr. Rishab Sardana, Adv.
Mr. V. Elanchezhiyan, AOR

For Respondent(s) :

Ms. Swati Ghildiyal, Adv.
Mr. Nimesh Bhatt, Adv.

Mr. Mukesh Kumar Maroria, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1) Leave granted.
- 2) The appeal stands allowed and disposed of in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file.]