

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
[SPECIAL LEAVE PETITION (C) NO. 23757 OF 2026]

NARMADA & ORS.

Petitioner(s)

VERSUS

KALPANA

Respondent(s)

O R D E R

1. Leave granted.
2. This appeal is filed against the order dated 27.03.2026 passed by the High Court of Delhi in RFA No. 287 of 2026.
3. The appellants had filed an original suit for possession and permanent injunction against the respondent. The prayer in the suit also encompassed the claim for mesne profits. The Trial Court, by its judgment dated 16.11.2024, while allowing the prayer for possession and injunction, did not grant the relief of mesne profits. The Review Petition filed by the appellants has also been dismissed vide order dated 22.08.2025.
4. Thereafter, the appellants filed a First Appeal before the High Court, which came to be dismissed on the ground of delay of 81 days vide impugned order dated 27.03.2026. The appellants sought to explain the delay on the ground that the time was consumed in pursuing the Review Petition before the Trial Court.

However, the endeavour to get the delay condoned was of no avail.

5. Heard Ms. Deepika Mishra, learned counsel appearing for the appellants. None appears on behalf of the respondent despite completion of service.

6. Having considered the matter in detail, in the facts and circumstances of the case, sufficient cause for condonation of delay of 81 days in filing the First Appeal is made out.

7. In view of above, the order passed by the High Court is set aside, restoring the First Appeal to its original number. The First Appellate Court shall now proceed to hear the First Appeal by issuing notice to the defendant(s) and shall hear the parties only on the issue relating to the mesne profits.

8. With these observations, the appeal stands allowed.

9. Pending interlocutory application(s), if any, is/are disposed of.

..... J.
[PAMIDIGHANTAM SRI NARASIMHA]

..... J.
[ALOK ARADHE]

NEW DELHI;
SEPTEMBER 18, 2026.

ITEM NO.52

COURT NO.4

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 23757/2026

[Arising out of impugned final judgment and order dated 27-03-2026 in RFA No. 287/2026 passed by the High Court of Delhi at New Delhi]

NARMADA & ORS.

Petitioner(s)

VERSUS

KALPANA

Respondent(s)

IA No. 198507/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 18-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) : Miss Deepika Mishra, AOR
Mr. Diwakar Awasthi, Adv.
Mr. Krishna Mohan B., Adv.
Ms. Aakriti Arora, Adv.

For Respondent(s) : none appeared

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR

(Signed order is placed on the file)