



2025:DHC:1863



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 19.03.2025*+ **C.R.P. 165/2024, CM APPL. 31404/2024**

SMT ISHWARI KESWANI

.....Petitioner

Through: Mr. Sidharth Chopra, Mr. Amod
Kumar Singh, Mr. Vishal Ahuja,
Advs.

versus

SH GULSHAN RAI KUKREJA & ANR.

.....Respondents

Through: Mr. I.S. Bakshi, Adv. for R-1

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed on behalf of the Petitioner under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC'] seeking to challenge an order dated 29.02.2024 passed by Ld. ADJ-08, Central District, Tis Hazari Courts, Delhi [hereinafter referred to as 'Impugned Order'].
2. It is the case of the Petitioner that an Application under Order VII Rule 11 CPC is still pending before the Court which also challenges the maintainability of the suit and the Impugned Order will come in the way of the Petitioner (Defendant No.2 before the learned Trial Court).
3. Learned Counsel for the Respondents submits that the Petitioner did not press his Application under Order VII Rule 11 CPC before the learned Trial Court, thus it was not decided.



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4. After some arguments, learned Counsel for the Petitioner submits that he limits his contentions in the present Petition for a liberty to agitate the issue *qua* maintainability of the present Petition before the learned Trial Court.
5. Given the fact that the Application under Order VII Rule 11 CPC is still pending before the learned Trial Court, the Petitioner is permitted to agitate the issue of maintainability, including as raised in his Application under Order VII Rule 11 CPC, before the learned Trial Court.
6. The present Petition is accordingly disposed of in the foregoing terms. The pending Application stands closed.
7. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MARCH 19, 2025/jn/pa

Click here to check corrigendum, if any