



2025:DHC:4760



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 27.05.2025***

+ **C.R.P. 165/2025**

BARKHA BANSALPetitioner

Through: Mr. C.M. Grover, Adv.

versus

SUNIL KOHLIRespondent

Through: Mr. Sagar Pathak, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM APPL. 33517/2025*[Exemption from filing certified copies]*

CM APPL. 33518/2025*[Exemption from filing typed/legible copies]*

1. Allowed, subject to all just exceptions.
2. The Applications stand disposed of.

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3. The present Petition has been filed by the Petitioner under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC'] seeking to challenge an order dated 18.12.2024 passed by the Ld. District Judge-02 (Shahdara), Karkardooma Courts, Delhi [hereinafter referred to as Impugned Order']. By the Impugned Order, an Application under Order XII Rule 6 of the CPC filed by the Petitioner has been dismissed.

4. Learned Counsel appearing on behalf of the Respondent on advance



service draws attention of the Court to the order dated 19.05.2025 passed by this Court in C.R.P. 388/2024 captioned *Sunnil Kohli vs. Madhu Aggarwal through her LR Barkha Bansal* filed by the Respondent before the Court to submit that by the order dated 19.05.2025 passed by this Court, the order dated 07.08.2024 passed by the learned Trial Court dismissing an Application filed by the Respondent under Order VII Rule 11 of the CPC, was set aside by this Court with appropriate directions.

5. It is apposite to set out the relevant extract of the order dated 19.05.2025 passed by this Court below:

“11. Since the plea of lack of pecuniary jurisdiction of a Court goes to the root of the matter and since this has been raised by the Petitioner, the same should have been adjudicated by the learned Trial Court. The Impugned Order is silent on this aspect.

12. In view thereof, **this Court deems it apposite to set aside the Impugned Order with directions that the learned Trial Court adjudicate the objection on the aspect of lack of pecuniary jurisdiction as has been raised by the Petitioner in the Application filed under Order VII Rule 11 of the CPC.**

13. The Petition is disposed of in the foregoing terms. The pending Application also stands closed.

14. It is however clarified that this order has been passed without prejudice to the rights and contentions of the parties which are left open to be agitated before the learned Trial Court.”

[Emphasis Supplied]

6. Learned Counsel for the Petitioner, on instructions, submits that the matter may be disposed of in view of the directions passed by this Court on 19.05.2025 in C.R.P. 388/2024 captioned *Sunnil Kohli vs. Madhu Aggarwal Through Her LR Barkha Bansal* with the liberty to agitate afresh, if required.

6.1 Learned Counsel for the Petitioner also submits that directions for



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expeditious disposal of the suit filed before the learned Trial Court be granted.

7. Learned Counsel for the parties submit that the parties will not take any unnecessary adjournment before the learned Trial Court.

7.1 The parties are bound down by the statement made by their Counsel today.

8. In view of the foregoing, the present Petition is disposed of.

9. Needless to add that in the event any fresh cause arises for a challenge, the Petitioner is at liberty to do so, *albeit* in accordance with law.

10. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 27, 2025/jn

Click here to check corrigendum, if any