



2025:DHC:4815



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

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Date of Decision: 29.05.2025+ **C.R.P. 199/2023****TRILOK KUMAR GAMBHIR THROUGH ITS LEGAL HEIRS**

.....Petitioner

Through: Mr. Manmeet Singh Maini, Ms.
Suman Rajput, Advs. with Ms. Nitika
Gambhir, LR of the Petitioner

versus

PREETI GAMBHIR AND OTHERS

.....Respondents

Through: Mr. Hemant Kakkar, Mr. Rajesh
Bhatia, Advs.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM APPL. 38235/2023[Condonation of delay in filing the Appeal] & CM APPL. 38237/2023[Condonation of delay in re-filing the Appeal]**

1. These are the Applications filed by the Petitioner seeking condonation of delay of 228 days in filing and 54 days in re-filing the Petition.
2. In view of the order the Court proposes to pass today, learned Counsel for the Respondents submits that he has no objection if the prayers in the present Applications are allowed.
3. The Applications are accordingly allowed. The delay is condoned.

CM APPL. 7989/2024[Condonation of delay in filing the Rejoinder to Reply to CM.APPL. 38235/2023]

4. This is an Application filed by the Petitioner seeking condonation of delay of 22 days in filing the Rejoinder to Reply to CM.APPL. 38235/2023.



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5. Learned Counsel for the Respondents submits that he has no objection if the prayer in the present Application is allowed.

6. The Application is allowed. The delay is condoned.

C.R.P. 199/2023

7. The present Petition has been filed by the Petitioner under Section 115 read with Section 151 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC'] seeking to challenge an order dated 30.11.2022 passed by Ld. ADJ-04, Patiala House Court, New Delhi [hereinafter referred to as 'Impugned Order']. By the Impugned Order, an Application under Order VII Rule 11 filed by the Petitioner (Defendant before the learned Trial Court) has been dismissed.

8. After some arguments, learned Counsel for the Petitioner submits that he would be satisfied if a direction be passed by the Court that the findings as given in the Impugned Order will not come in way of the Petitioner at the time of final adjudication of the matter by the learned Trial Court.

9. Learned Counsel for the Respondents submits that he has no objection, since the findings in the Impugned Order are, in any event, interim in nature.

10. Accordingly, given the fact that the Impugned Order was an interim order, it is clarified that the findings in the Impugned Order shall not come in the way of the final adjudication of the matter between the parties. The rights and contentions of both parties are left open to be agitated before the learned Trial Court in accordance with law.

11. The Petition is accordingly disposed of in the foregoing directions.



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

TARA VITASTA GANJU, J

MAY 29, 2025/jn/r

Click here to check corrigendum, if any