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

% ***Date of Decision: 02<sup>nd</sup> May, 2025***

+ **CM(M) 810/2025 & CM APPL. 26569-26570/2025**

**SENATOR WOOD PVT. LTD.**

.....Petitioner

Through: Mr. Archit Singhal with Mr. Anshul Sharma and Mr. Mr. Chaaitanya Jain, Advocates.

versus

**BABU LAL PATEL & ANR.**

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The point raised in the present petition is very short and precise.
2. Petitioner herein is defending a suit which is commercial in nature.
3. When the abovesaid suit was taken up by the learned Trial Court on 21.12.2024, it passed an order under Order XV-A CPC and directed the defendant (petitioner herein) to pay monthly rent @ Rs.2,34,000/- to plaintiffs (respondents herein) through RTGS/NEFT/BANK DRAFT w.e.f. 01.03.2024 onwards till further orders.
4. According to petitioner/defendant, he moved an application seeking review of the abovesaid order under Section 114 read with Order XLVII CPC.
5. Such application was taken on record by the learned Trial Court on



12.03.2025 and even notice was issued to the plaintiffs. Since the plaintiffs pointed out to the learned Trial Court that the defendant had not cleared the arrears of rent, part payment was made same day and defendant was further directed to clear the arrears, by the end of March, 2025.

6. When the matter was taken up on 01.04.2025, noticing the contention of the plaintiff that the entire arrears of the rent had not been cleared, the learned Trial Court, while also observing that a *Show-Cause Notice* had already issued to the defendant, struck off its defence.

7. Such order is under challenge.

8. The sole contention of the defendant is to the effect that even if the learned Trial Court was to strike off its defence, it should have, at least, decided the review application filed by him. It is submitted that the defence has been struck off for non-compliance of order dated 21.12.2024, of which he was seeking review.

9. He submits that he does not have any intent to delay the matter and would appear before the learned Trial Court on any given date for making submission with respect to the review application. He, however, reiterates that the learned Trial Court, without deciding his application, should not have struck off his defence.

10. None appears on behalf of the respondents/plaintiffs despite service of advance notice.

11. However, in view of the abovesaid statement made at the Bar by learned counsel for defendant that the review has yet not been decided, the present petition is disposed of with the direction to the learned Trial Court to consider the abovesaid review application, as expeditiously as possible, preferably within a period of four weeks.



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12. If learned Trial Court chooses not to review its order dated 21.12.2024, it would be, thereafter, at liberty to pass order afresh with respect to striking off the defence.
13. As a necessary corollary, the impugned order dated 01.04.2025, to the extent it strike off the defence, is set aside.
14. Petition stands disposed of in aforesaid terms.
15. Pending application, if any, also stands disposed of.
16. Order be given *dasti* under the signatures of the Court Master.

**(MANOJ JAIN)**  
**JUDGE**

**MAY 2, 2025/sw/JS**