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

% ***Date of Decision: 04th July, 2025***

+ CM(M) 1131/2025 & CM APPL. 38328-38331/2025

SUSHIL KUMARI

.....Petitioner

Through: Mr. Lokesh Bhola with Mr. Abhishek Singh, Advocates.

versus

SANJAY SAXENA

.....Respondent

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner takes exception to orders dated 17.04.2025 and 23.05.2025 passed by learned District Judge, Commercial Court.
2. The point agitated before this Court is very short and precise.
3. The petitioner herein had filed a suit seeking ejectment and recovery of arrears of rent, damages/mesne profits etc.
4. The defendant is proceeded against ex-parte.
5. Fact, however, remains that the abovesaid suit was dismissed by the learned Trial Court, on 11.04.2023 and such judgment and decree was assailed by the petitioner by filing RFA (Comm) 146/2023.
6. Such RFA was taken up by the learned Division Bench of this Court on 09.12.2024 and keeping in mind the facts and circumstances of the case, the abovesaid judgment of dismissal was set aside and the suit was remanded to the learned Trial Court for fresh adjudication on merits, after issuing notice to



the defendant as per law.

7. However, while remanding, the learned Division Bench also gave opportunity to the plaintiff/appellant to file fresh site plan clearly setting out the description of the suit property.

8. The appeal was, accordingly, disposed of on 09.12.2024 and as per the specific observations appearing therein, the plaintiff/appellant was directed to submit such site plan within a period of four weeks.

9. Since the site plan was tendered before the learned Trial Court belatedly, the learned Trial Court has refused to take the same on record.

10. Such order is under challenge.

11. Learned Trial Court has refused to take the site plan on record, ostensibly, for the reason that as per the specific direction given by this Court, such site plan should have been filed within four weeks.

12. According to the averments made in the present petition as well as in the application which had been moved before the learned Trial Court, the petitioner has taken plea that when she tried to upload the site plan through e-filing portal module, she was not successful as the case status was being reflected as “*disposed of*”. Therefore, despite her best efforts, the site plan could not be uploaded within the stipulated time-period and when, eventually, the hard copy was tendered before the learned Trial Court, it was not taken on record, observing that it was not within the period granted by this Court.

13. In terms of the direction given by the learned Division Bench, learned Trial Court has already initiated process of serving the defendant afresh, though he is yet not served.

14. Keeping in mind the overall facts of the case and the reasons assigned by petitioner, the present petition is disposed of with direction that such site



plan be filed within one week from today.

15. It is, however, made clear to the petitioner that no further request for extension for the abovesaid purpose shall be entertained either by the learned Trial Court or for that matter by this Court.

16. Petition stands disposed of in aforesaid terms.

17. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 4, 2025/sw/JS