



2025:DHC:6539



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 05th August, 2025**

+ CM(M) 676/2025, CM APPL. 46821/2025

MOHD. SALEEM

....Petitioner

Through: Mr. Sumit Gaba, Adv.

versus

TANVEER ALAM

....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The next date in the present matter is 20.08.2025 and in the interregnum, the abovesaid application has been filed by petitioner.
2. Learned counsel for petitioner submits that if the learned Trial Court proceeds further with the matter, the present petition would become infructuous.
3. However, when asked, Mr. Gaba, learned counsel for petitioner, in all fairness, submitted that the learned Trial Court has already heard arguments and the matter is now reserved for judgment for 26.08.2025.
4. Petitioner herein is aggrieved by order dated 30.01.2025 whereby his application filed under Order IX Rule 7 CPC did not find any favour and the previous order dated 04.02.2024 was not recalled.
5. When the present petition was taken up on 15.04.2025, this Court had not granted any stay of the proceedings and directed petitioner to take steps to effect service upon the respondent.
6. It seems that process fee was filed by petitioner but it remained under



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objection and till date, no notice has been issued to respondent.

7. Be that as it may, since the matter has already been finally heard and since the same is now lying reserved for judgment, this Court does not deem it appropriate to invoke supervisory powers under Article 227 of Constitution of India and to interfere with the impugned order.

8. Resultantly, the present petition is disposed of with direction that in case, the suit in question is decreed against the petitioner herein and in case petitioner is compelled to challenge the abovesaid decree by filing an appeal, he would be at liberty to challenge the order, which is impugned herein, in terms of Section 105 CPC.

9. All rights and contentions of parties are reserved.

10. Pending application, if any, also stands disposed of.

11. Next date of hearing i.e. 20.08.2025 stands cancelled.

(MANOJ JAIN)
JUDGE

AUGUST 5, 2025/ck/js