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

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Date of Decision: 07th July, 2025

+ CM(M) 1158/2025 & CM APPL. 39093-39094/2025
GULSHAN CHAWLA

.....Petitioner

Through: Mr. Gaurav Seth and Ms. Akanksha
Mehra, Advocates.

versus

NEETU GERA & ORS.

.....Respondent

Through: Mr. Inderjeet Singh, Advocate for R-1
along with Mr. Rajesh husband of R-1.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner herein was proceeded against *ex-parte* on 25.03.2017.
2. He moved an application seeking setting aside of the abovesaid *ex-parte* order, and is aggrieved by dismissal of his such application moved under Order IX Rule 7 CPC *vide* order dated 04.03.2025.
3. Such order is under challenge.
4. It is, however, not explained as to why the present petition was not filed immediately after such dismissal.
5. Learned counsel for respondent No.1/plaintiff appears on advance notice and submits that the learned Trial Court has already heard final arguments and the case is now fixed for 10th instant for pronouncement of judgment.
6. In such a peculiar situation, this Court does not find any real



requirement of interfering with the impugned order, particularly when the case is not fixed for any hearing before the learned Trial Court and the matter is reserved for judgment.

7. The present petition is disposed of accordingly.

8. Needless to say, in case the suit is decreed against the petitioner herein, while challenging the judgment and decree, he would also be at liberty to challenge order dated 04.03.2025.

9. The present petition is disposed of in aforesaid terms.

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

(MANOJ JAIN)
JUDGE

JULY 7, 2025/ss/pb