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

% **Date of Decision: 08th July, 2025**

+ **CM(M) 1175/2025 & CM APPL. 39528-39530/2025**

VINOD KUMAR AND ANRPetitioners

Through: **Dr. D.K. Sharma, Advocate (Through VC)**

versus

NEERAJ MITTAL AND ORSRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 39529-39530/2025 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 1175/2025 & CM APPL. 39528/2025

1. Petitioners are plaintiffs before the learned Trial Court and are aggrieved by dismissal of their application moved under Section 151 CPC.
2. Learned counsel for petitioners submits that, initially, they had filed a site plan but due to some oversight and inadvertence, site plan was not specifying the directions appropriately and it was rather submitted “upside down”.
3. When the plaintiffs realized such inadvertent mistake, they moved an application under Section 151 CPC with request to take on record the “correct site plan”. It was also mentioned in the above application that locality in question is “Adarsh Nagar Extension” and due to oversight, such locality was described as “Adarsh Nagar”. According to plaintiffs, these are two different colonies and such aspect was also required to be appropriately



clarified.

4. The impugned order would indicate that there were repeated directions to the plaintiffs to supply copy of the application to defendant no. 3 and despite there being specific orders in this regard, the plaintiffs did not supply the copy of such application to defendant no. 3.

5. The learned Trial Court was, therefore, compelled to dismiss the application in view of such conduct of the plaintiffs.

6. Quite evidently, the application under Section 151 CPC has been, primarily, dismissed, keeping in mind the fact that the copy of such application was never supplied to defendant no. 3. Thus, the decision does not seem to be on merit and is based on the alleged negligent conduct of the plaintiffs.

7. None appears on behalf of respondents despite advance notice.

8. Keeping in mind the abovesaid limited issue, the present petition is disposed of with direction to learned Trial Court to decide the aforesaid application on merits, in accordance with law, after giving due opportunity of hearing to both the sides.

9. The impugned order, to the aforesaid extent, is set aside.

10. Needless to say, plaintiffs would ensure that copy of aforesaid application filed by them under Section 151 CPC is duly supplied to learned counsel for defendant no. 3 within five days from today.

11. Next date before the learned Trial Court is stated to be 02.09.2025.

12. To ensure that there is no further delay in the matter, plaintiffs would be at liberty to seek preponement in the hearing by moving appropriate application so that before the next date, which is fixed for recording of evidence, the aforesaid application is taken up and disposed of.



13. Petition stands disposed of in the aforesaid terms.
14. Pending applications also stand disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 8, 2025*/dr/shs*