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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
% ***Date of Decision: 16<sup>th</sup> May, 2025***  
+ **CM(M) 915/2025 & CM APPL. 30026-30027/2025**  
**NEETI MALHOTRA & ANR.**

.....Petitioner  
Through: Mr. N P Singh with Mr. Barun Dey,  
Advocates.

versus

AAR PEE APARTMENTS PVT. LTD  
.....Respondent  
Through: Mr. Sanjay Aggarwal, Advocate.

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ JAIN**  
**JUDGMENT (oral)**

1. The prayer in the present petition is, merely, limited to the effect that the learned Trial Court may be requested to consider the application moved by the defendants under Order VII Rule 11 CPC.
2. The suit in question is commercial in nature and the issues were framed on 21.03.2025.
3. After framing of issues, the defendants moved an application under Order VII Rule 11 CPC, seeking rejection of the suit.
4. The evidence is presently being recorded before the learned Local Commissioner and the case is stated to be fixed for final arguments on 30.07.2025.
5. Undoubtedly, the application under Order VII Rule 11 CPC has been filed, very recently, but at the same time, it also needs to be noted that even



the suit was instituted in the year 2024 only.

6. Be that as it may, the very purpose of filing any such application, which seeks rejection of the suit, would stand frustrated if the application is, eventually, taken up by the learned Trial Court at the time of final arguments.

7. Learned counsel for respondent/plaintiff also appears on advance notice and leaves it to this Court to pass appropriate order in this regard.

8. Keeping in mind the overall fact of the case, the present petition is disposed of with request to learned Trial Court to take up the abovesaid application, as expeditiously as possible. The recording of evidence before the learned Local Commissioner is, accordingly, directed to be deferred till the disposal of the abovesaid application and the parties are directed to appear before the learned Trial Court on 21.05.2025 and on that day, after ascertaining the convenience and availability of the counsel for the parties, the learned Trial Court would give a date for hearing arguments in the abovesaid application.

9. It is, however, made clear that this Court has not made any observation with respect to the merit of the abovesaid application moved under Order VII Rule 11 CPC.

10. Petition stands disposed of in aforesaid terms.

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

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

**MAY 16, 2025/sw/JS**