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

% **Date of Decision: 16th May, 2025**

+ **FAO 55/2024 & CM APPL. 29912-29913/2025**

KAMLESH DHINGRA THROUGH LR ARUN KHANNA

.....Appellant

Through: Mr. R.P. Pahwa with Mr. Prateek
Khanna, Advocates.

versus

DIN DAYAL AND ORS.

.....Respondents

Through: Mr. M P Sinha and Mr. Yatharth Sinha
Advocates for Respondent No.1
Ms Parul Dureja, Advocate for
Respondent No. 4

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present appeal has been received from the learned Roster Bench.
2. On careful perusal of the contents of the appeal, it is noticed that the appeal has been filed under Order XLIII Rule 1 CPC and the impugned order is dated 05.12.2023.
3. This Court has gone through order dated 05.12.2023 and when it was asked from the learned counsel for the appellant as to under which particular clause of Order XLIII Rule 1 CPC, the present petition has been filed, no plausible answer came from his side.
4. This Court has gone through the impugned order dated 05.12.2023. The last para of the abovesaid order reads as under:-



*“ The present case is the oldest case pending in the Court and needs to be disposed of at the earlier. None of the parties can be allowed to file application after application for the reason or the other. The documents already marked through the part examination in chief shall found part of the record. The documents, if any, filed alongwith the suit shall also form part of the record. All these documents shall be allowed to be proved in accordance with law. All other application of the plaintiff side shall not be taken on record. **The application of plaintiff (without mentioning of provision) which is dated 09.11.2023 is dismissed.**”*

5. The appellant is plaintiff before the learned Trial Court and by virtue of said application, they, merely, prayed for taking on record certain documents.
6. Evidently, the abovesaid order is not an appealable order and, therefore, the appeal against the same is not maintainable.
7. The appeal stands disposed of in aforesaid terms.
8. Pending applications, if any, also stand disposed of.
9. Needless to say, the appellant would be at liberty to take recourse to any other permissible judicial remedy, in case it is aggrieved by the abovesaid order dated 05.12.2023.

**(MANOJ JAIN)
JUDGE**

**MAY 16, 2025
st/pb**