



\$~101

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

% *Date of Decision: 17th April, 2025*

+ CM(M) 693/2025 & CM APPL. 22387/2025
MAM CHAND @ M.C. MAHESH

.....Petitioner

Through: Petitioner in person.

versus

SHRI VIJAY KUMAR KHANNA AND ORS

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner appears in person.
2. The petitioner had filed a suit seeking ejectment and permanent injunction.
3. However, when the abovesaid suit was taken up by the learned Trial Court on 09.01.2025, holding that the plaintiff had failed to value the suit properly and had not submitted the proper Court fee as prescribed under law, the suit has been rejected under Order VII Rule 11 CPC. The petitioner filed an application seeking recall of the abovesaid order but such application also did not find any favour with the learned Trial Court. Such orders are under challenge.
4. As per Section 2(2) of CPC, by way of deeming fiction, a rejection of a plaint also amounts to decree and since the impugned order rejects the plaint and has been passed by the Court of learned Commercial Civil Judge, appeal



would be maintainable before the concerned Court of learned Principal District & Sessions Judge.

5. Since an efficacious remedy by filing an appeal against the impugned order dated 09.01.2025 is available to the petitioner, the present petition is disposed of by granting liberty to the petitioner to file an appeal in accordance with law before the *Competent Court of Jurisdiction*.

6. This Court, however, clarifies that it has not made any observation with respect to the merits of the case as such and the present petition has been disposed of only on account of abovesaid procedural defect.

7. The present petition stands disposed of in aforesaid terms.

8. Pending applications, if any, also stand disposed of.

9. A copy of this order be given *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

APRIL 17, 2025/ss/shs