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

% **Date of Decision: 17<sup>th</sup> July, 2025**

+ **CM(M) 1258/2025 & CM APPL. 42045/2025**

**MANISHA RAO**

.....Petitioner

Through: Mr. Ravinder Kumar Yadv, Mr.  
Kartikey, Ms. Arti Anupriya, Mr.  
Paras Juneja and Ms. Kritika Yadav,  
Advocates

versus

**ASJEET SINGH LAMBA**

.....Respondent

Through: Mr. Rajnish Kumar, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Grievance of the petitioner is, merely, limited to the effect that his defence has been struck off without complying the statutory provision as contained under Order XV-A CPC.
2. Petitioner herein is defending a suit for possession, injunction, *mesne profits* and damages and learned Trial Court passed an order on 15.01.2025 under Order XV-A CPC directing the petitioner herein to pay rent @ Rs. 49,500/- per month and to clear the arrears within one month.
3. The petitioner sought time from the learned Trial Court for a further period of five months to clear the arrears and learned Trial Court refused to grant any such time and, simultaneously, the defence has been struck off *vide* order dated 23.04.2025.
4. There is no qualm with respect to the settled legal position that before taking any such extreme step of striking off the defence, it is mandated for any such Court to issue notice in terms of Order XV-A Rule 2 CPC.



5. Learned counsel for respondent appears on advance notice and, while acknowledging the aforesaid flaw in the impugned order, submits that let there be a time-bound direction to learned Trial Court to decide the aforesaid aspect afresh so that there is no prejudice to the landlord who has not got any rent in terms of order dated 15.01.2025.
6. During course of arguments, learned counsel for petitioner submitted that the petitioner is suffering from cancer and would still somehow clear the arrears by making payment @ Rs. 1,50,000/- per month which is, virtually, three-times of monthly rent.
7. It will be entirely upto to the plaintiff/respondent and learned counsel for the plaintiff/respondent to consider the aforesaid proposal.
8. Fact, however, remains that since the defence was struck off without mandatory show cause notice, present petition is allowed and, resultantly, impugned order dated 23.04.2025 is set aside. However, keeping in mind the fact that arrears are quite huge, learned Trial Court is requested to issue requisite notice, preferably, within two weeks from today and thereafter to decide the aspect related to striking off the defence, after taking response of the petitioner herein.
9. Petition stands disposed of in aforesaid terms.
10. Pending application also stands disposed of in the aforesaid terms.

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

**JULY 17, 2025/dr/js**