



2025:DHC:5844



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

% ***Date of Decision: 18th July, 2025***

+ **CM(M) 1266/2025 & CM APPL. 42510-42511/2025
KRISHAN KUMAR MISHRA**

.....Petitioner

Through: Mr. Sanjay Rathi, Mr. Deepak K., Mr.
Nikhil Kumar Singh, Mr. Sanchit J.
and Ms. Aakansha Solanki,
Advocates.

versus

ANNU GOYAL

.....Respondent

Through: Mr. Ritik Sharma, Mr. Himanshu, Mr.
Ghanshyam Dass Sharma, Mr. Suraj
Kumar Jaiswal and Mr. Deepanshu,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit which seeks possession and recovery of arrears of rents/*mesne profits*.
2. According to defendant, when the defendant appeared before the learned Trial Court on 25.04.2025, he was, though, granted time to file written statement within 30 days, the Court made some oral inquiry from the defendant and since the defendant admitted the rate of rent to be Rs.1.3 lacs per month, learned Trial Court passed an order under Order XVA CPC, then and there.
3. The grievance of the petitioner herein, however, is little different.
4. It is submitted that immediately, thereafter, the defendant moved an



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application under Order VII Rule 11 CPC clearly mentioning therein that the learned Trial Court had no jurisdiction as the suit was involving a *commercial dispute*.

5. However, the abovesaid application has, rather, been deferred for 04.09.2025 and there is direction to defendant to comply with the abovesaid order passed under Order XVA CPC.

6. When asked, Mr. Rathi learned counsel for the petitioner submitted that, without prejudice to his rights and contentions, defendant would file written statement before the learned Trial Court.

7. Learned counsel for respondent/plaintiff appears on advance notice and submits that such application moved under Order VII Rule 11 CPC has no substance.

8. However, at the same time, he, without prejudice to his rights and contentions, submits that he would not insist for compliance of order passed by the learned Trial Court passed under Order XVA CPC, till the abovesaid application filed by the defendant under Order VII Rule 11 CPC is adjudicated.

9. In view of the above, the present petition is disposed of with request to learned Trial Court to take up the abovesaid application filed by the defendant under Order VII Rule 11 CPC on the next date of hearing and to make best endeavour to decide the same, as expeditiously as possible.

10. Till the adjudication of the abovesaid application, the order passed under Order XVA CPC shall remain in *abeyance*.

11. It is, however, clarified that this Court has not made any observation with respect to the averments made by the defendants in their application moved under Order VII Rule 11 CPC and it will be entirely upto to the learned



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Trial Court to consider the abovesaid aspect, without being influenced by any of the observations appearing in this order.

12. The present petition is disposed of in aforesaid terms.
13. The pending applications, if any, stand disposed of.

(MANOJ JAIN)
JUDGE

JULY 18, 2025/ss/SS