



2025:DHC:5849



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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

+ CM(M) 2195/2024 & CM APPL. 17672/2025

KANWAL KUMAR

.....Petitioner

Through: Mr. Wills Mathews with Ms. Manu
Prakash Upadhyay and Mr. Dhanesh
M Nair, Advocates.

versus

DR VIJAY KUMAR

.....Respondent

Through: Mr. S C Singhal with MR. Parth
Mahajan and Mr. Ritik Madan,
Advocates.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is defending a suit for possession, damages and mesne profits.
2. When the trial had begun, defendant moved an application under Order VI Rule 17 CPC which was dismissed by learned Trial Court on 21.02.2024.
3. Such order is under challenge.
4. However, there is significant development in the abovesaid suit, as both the parties have already led their respective evidence and the case is already at the stage of final arguments.
5. In view of the abovesaid peculiar situation, when the trial is already



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over, this Court does not find any compelling reason of invoking its supervisory powers under Article 227 of Constitution of India.

6. Petition is, accordingly, disposed of in aforesaid terms.

7. However, in order to safeguard and protect the rights and interest of the petitioner herein, it is ordered that, in case, the suit in question is decreed against the petitioner herein and they are compelled to challenge such decree by filing any appeal, it will be permissible for them to challenge the order impugned herein by setting forth the same as objection in memorandum of appeal. This is, even otherwise, permissible in terms of Section 105 CPC.

8. Since the petition has been disposed of, learned Trial Court would be at liberty to take up the suit and hear final arguments.

(MANOJ JAIN)
JUDGE

JULY 18, 2025/sw/JS