



2025:DHC:6999



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

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

+ CM(M) 2627/2024 & CM APPL. 30598/2024
JAYADITTA PALIT & ANR.

.....Petitioner

Through: Mr. Samman Vardhan Gautam, Mr. Shrey Gupta, Mr. Lokesh Chopra, Ms. Khushi Sharma, Mr. Priyam Tiwari and Ms. Anshika Priyadarshini, Advocates.

versus

PRAMOD ANAND THROUGH LEGAL HEIR SH RAKESH ANAND

.....Respondent

Through: Mr. Ravi Kapoor, Ms. Aditi Singhal and Mr. Dhruv Chawla, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

1. Petitioners are plaintiffs before the learned Trial Court and filed a suit which seeks declaration and injunction.
2. When the abovesaid suit was taken up by the learned Trial Court on 05.04.2024, it framed following preliminary issue:-
'Whether the suit is maintainable in the present form?'
3. The matter was, accordingly, fixed for arguments on said issue.
4. Fact, however, remains that the petitioners/plaintiffs have challenged the abovesaid order and according to them, there was no requirement of framing the abovesaid preliminary issue, as such aspect has already been



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amply clarified and decided by the Hon'ble Supreme Court in terms of observations appearing in order dated 21.09.2020 [passed in Contempt Petition Civil No.463/2020 in Civil Appeal No. 8481/2019] and order dated 08.11.2019 [in the abovesaid Civil Appeal].

5. It seems that the petitioners/plaintiffs are unnecessarily apprehensive and evidently, their grievance is clearly a pre-mature one. Nothing stops them from drawing attention of the learned Trial Court to the abovesaid two specific orders passed by the Hon'ble Supreme Court of India, in case they feel that such aspect has attained finality. Learned Trial Court can always pass appropriate orders, while taking note of the contentions made by both the sides with respect to the abovesaid preliminary issue and also taking note of said orders.

6. View thus, this Court does not find any requirement of keeping this petition pending anymore.

7. The present petition is, accordingly, disposed of with request to learned Trial Court to take up the matter and to dispose of the abovesaid preliminary issue, as expeditiously as possible, after giving due opportunity of hearing to both the sides and in accordance with law.

8. Needless to say, both the sides would be permitted to file written submissions before the learned Trial Court with respect to the abovesaid aspect of maintainability.

9. The present petition is disposed of in aforesaid terms.

10. Pending application also stand disposed of in aforesaid terms.

11. It is, however, clarified that this Court has not given any observation, either way, with respect to the merits of the abovesaid preliminary issue and all the right and contentions of both the parties, with respect to the abovesaid



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preliminary issue, are left open.

12. A copy of this order be given *dasti* under the signature of Court Master.

(MANOJ JAIN)
JUDGE

AUGUST 18, 2025/ss/js