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

% *Date of Decision: 24th March, 2025*

+ CM(M) 3876/2024& CM APPL. 67938-67940/2024

WESTEND GREEN FARMS SOCIETYPetitioner

Through: Mr. Sumit Gehlot with Mr. T S
Thakraon with Mr. Raghav Chawla,
Advocates.

versus

KAPIL KUMARIA & ANR.Respondent

Through: Mr. Bhavya Sharma, Advocate.

6

+ CM(M) 3877/2024 & CM APPL. 67941-67943/2024

WESTEND GREEN FARMS SOCIETYPetitioner

Through: Mr. Sumit Gehlot with Mr. T S
Thakraon with Mr. Raghav Chawla,
Advocates.

versus

VICKY KAKKAR & ANR.Respondent

Through: Mr. Bhavya Sharma, Advocate.

45

+ CM(M) 3813/2024 & CM APPL. 66239/2024

WESTEND GREEN FARMS SOCIETY

.....Petitioner

Through: Mr. Sumit Gehlot with Mr. T S
Thakraon with Mr. Raghav Chawla,
Advocates.

versus

PRATYUSH KANTH & ANR.

.....Respondent

Through: Mr. Bhavya Sharma, Advocate.

46

+ CM(M) 3850/2024& CM APPL. 67301-67302/2024



WESTEND GREEN FARMS SOCIETY

.....Petitioner

Through: Mr. Sumit Gehlot with Mr. T S
Thakraon with Mr. Raghav Chawla,
Advocates.

versus

MANU & ANR.

.....Respondent

Through: Mr. Bhavya Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner had filed four different suits which were registered as CM (Comm) 315/2022, CM (Comm) 294/2022, CM (Comm) 313/2022 and CM (Comm) 316/2022.
2. In all the abovesaid suits, defendant No. 2 moved an application seeking deletion of its name from array of the parties.
3. Learned Trial Court has allowed the above said application vide order dated 05.08.2024 and has permitted the name of defendant No. 2 to be deleted.
4. Such order is under challenge in all the present petitions.
5. Learned counsel for respondent Society, however, apprises about me significant development in the matter. It is submitted that during the pendency of the abovesaid four suits, separate applications were moved under Order VII Rule 11 CPC and these applications have been allowed and, resultantly, all the four suits have already been rejected by the learned Commercial Court *vide* order dated 13.01.2025.
6. It is submitted that in view of the abovesaid subsequent development, the present petitions have become infructuous.
7. Learned counsel for the petitioner/plaintiff does admit the fact that the



suits have been rejected but also informs that he has already challenged the abovesaid orders and his appeals are likely to be listed very shortly.

8. Be that as it may, since all the abovesaid four suits have already been rejected under Order VII Rule 11 CPC, there would not be any point in considering the present petitions which, merely, challenges the order(s) whereby one of the defendants was directed to be deleted from array of the parties.

9. In view of the above, without making any observation on the merits of the cases as such and without prejudice to the rights and contentions of the petitioner, the present petitions along with pending application, stand disposed of in view of the abovesaid subsequent development.

10. Needless to say, in case, order of rejection is set aside, the petitioner would be at liberty to revive all the present four petitions.

(MANOJ JAIN)
JUDGE

MARCH 24, 2025/sw/ss