



2026:DHC:2894



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision : 7th April, 2026*

+ CM(M) 738/2026

PANDIT D K PARSAI & ANR.

.....Petitioners

Through: Mr. Manu Nayar, Mr. Vaibhav Kush,
Ms. Rudrakshi Gautam, Ms.
Meenakshi Bhatia and Ms. Harshita
Pal, Advocates.

versus

DR. SATISH CHANDAR AGARWAL & ORS.Respondents

Through: Mr. Manas Raghuvanshi, Advocate
for R-9.

CORAM:**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER (Oral)****Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.

CM APPL. 22273/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM(M) 738/2026

3. During the course of arguments, learned counsel for the petitioners submits that the petitioners are pressing only Prayer (iv) of the petition, which reads as follows:

“iv. In the alternative and without prejudice to the above prayers, this Hon'ble Court may be pleased to modify the order dated 23.02.2026 in Misc DJ 1334 of 2025 by directing the Application to proceed against the Defendants who have already appeared or have been duly served in Misc DJ 1334 of 2025 without requiring fresh/repetitive service upon parties who have been proceeded



ex-parte in CS (Comm) 639 of 2019.”

4. A perusal of the impugned order dated 23rd February, 2026 shows that no such prayer has been made by the petitioner/ applicant/ plaintiff before the learned Trial Court, seeking exemption from fresh service for the application under Order IX Rule 9 of the Code of Civil Procedure, 1908, upon respondents who are *ex-parte*.
5. Learned counsel for the petitioner seeks liberty to move an appropriate application before the learned Trial Court seeking the aforesaid relief.
6. Accordingly, keeping in view the above submissions of the learned counsel for the petitioner, the present petition is disposed of with liberty to the petitioner to move an appropriate application before the learned Trial Court seeking the aforesaid relief. In case the application is moved, then the learned Trial Court shall consider and decide the application in accordance with law.
7. The present petition is disposed of in the above-stated terms. Pending application(s), if any, also stands disposed of.

RAJNEESH KUMAR GUPTA, J

APRIL 7, 2026/nd/ik