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

Date of Decision: 23rd February, 2026

+ CM(M) 422/2026

GITANJALI ARORA & ORS.

.....Petitioners

Through: Mr. Shadman Ahmed Siddiqui, Mr.
Kartik Pandey and Mr. Rohit Jain,
Advocates (through VC).

versus

PARITOSH CHANDIOK

.....Respondent

Through: Mr. Rishi Manchand and Mr.
Siddharth Mullick, Advocates
(through VC).

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. 12193/2026 (for exemption)

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

CM(M) 422/2026, CM APPL. 12191/2026 & CM APPL. 12192/2026

3. The present petition has been filed by the petitioners under Article 227 of the Constitution of India, 1950, assailing the order dated 27th January, 2026, passed by the learned Trial Court in Civ Suit 8195/16 (old no. 176/2013), whereby the application of the petitioner/defendant under Section 151 of the Code of Civil Procedure, 1908 ('CPC'), seeking recall of the order dated 24th December, 2022, has been dismissed.



4. Learned counsel for the respondent appears on advance notice and accepts notice.
5. The matter is taken up for hearing with the consent of the learned counsel for the parties.
6. Learned counsel for the petitioners submits that the main issue urged before this Court is to recall the order dated 24th December, 2022, whereby the defence of the petitioner was struck off. The defence had been struck off on account of non-payment of occupation charges. The delay in moving the application under Section 151 CPC is owed to the old age of the original defendant and on account of his subsequent death, substitution of the Legal Representatives ('LRs') of the defendant and absence of complete records of earlier deposits. The petitioners are ready to deposit the entire arrears and to lead evidence in order to avoid any prejudice to the respondent. On these grounds, it is prayed that the order dated 24th December, 2022 be recalled.
7. *Per contra*, learned counsel for the respondent has argued that the application has been filed only with a view to delay the trial. The application was moved by the petitioners on 18th December, 2025 i.e., after a lapse of approx. three (03) years of the order dated 24th December, 2022. Therefore, it is contended that the present petition is liable to be dismissed as it is without any merit.
8. The relevant portion of the orders dated 24th December, 2022 reads as follows:

“Submissions heard and record perused carefully which shows that on the last date of hearing, the defendant was directed to file an affidavit stating the total amount paid by him in favour of the plaintiff. However, despite direction, the defendant has failed to do so.



Furthermore, perusal of the Order of the Hon'ble High Court of Delhi in CM(M) No.290/2020, the defendant was required to pay occupation charges @ Rs.10,000/- per month along with the arrears of such rent within a period of six months from the date of the Order i.e. 23.11.2021. However, although the defendant is claiming to be in payment of the regular monthly occupation charges, admittedly, he has failed to discharge his liability with respect to the arrears amounting to approximately Rs.10 Lac.

At this stage, in order to show his bonafides, the defendant has further moved an application seeking leave to deposit an amount of Rs.3.5 Lac in discharge of his liability towards the arrears. With respect to the remaining arrears, the defendant has pleaded his inability to arrange the funds at this juncture on account of his repeated medical admissions in the hospital due to his frail health.

In conclusion, although the defendant's conduct seems to be bonafide and and on account of his personal hardship, he could not arrange the required funds, the wording of the letter of law under Order XVA of the CPC is unambiguous and categorical. Furthermore, this Court has no power to extent the period of such deposit of rent determined by a Superior Court. Still further, the defendant has not been able to show a sufficient cause with respect to the entire period commencing from 21.11.2021 as to why the payments were not made regularly.

Thus in view of aforesaid, the present application of the plaintiff is hereby allowed and the defence of the defendant is struck off."

9. Further, the relevant portion of the order dated 27th January, 2026 reads as follows:

"Submissions heard. Record perused

By way of the present application, the LRs of the defendant seek recall of order dated 24.12.2022. Perusal of the record shows that vide Order dated 23.11.2021 in CM(M) No.290/2020, the Hon'ble High Court of Delhi had directed the defendant to pay occupation charges along with arrears of rent within a period of



*six months to the plaintiff from the date of order i.e. 23.11.2021. However, the defendant has failed to do so and that therefore, since the defendant has failed to comply with the directions of the Hon'ble High Court of Delhi, the Ld. Predecessor of this Court had struck off the defence of the defendant. It is pertinent to mention herein that the order which is challenged by way of the present application is of 24.12.2022 while this application was moved by the plaintiff, on 18.12.2025 i.e. after lapse of approx. 3 years. The plaintiff has failed to give sufficient reason as to the delay in filing the present application. Also, it is pertinent to mention herein that the present case is one of the oldest 50 cases of this Court identified in the Action Plan formulated by the Hon'ble High Court of Delhi and would be disposed off within the shortest period of time. In view thereof, **the present application is dismissed being devoid of any merit.***

Today, Ld. Counsel for LRs of the defendant has filed an application under Section 151 of CPC for grant of permission to deposit arrears of occupational charges in terms of the Order dated 23.11.2021 passed by the Hon'ble High Court of Delhi.

*In view of the Order of the Hon'ble High Court of Delhi in CM(M NO.290.2020, **the present application is allowed.***

*Be put up for hearing of final arguments, on **19.02.2026.** The date is given at the specific request of the parties.”*

10. A perusal of the record shows that the matter is presently fixed before the Trial Court for final arguments. However, no reasonable explanation has been furnished by the petitioner for moving the application after a lapse of nearly three (03) years from the date of the impugned order dated 24th December, 2022, which is the effective order. The learned Trial Court has passed a reasoned order dated 27th January, 2026 after considering the entire material on record and to avoid delay in the final disposal of the matter. Accordingly, this Court does not find any illegality or infirmity in the impugned order and the same is upheld. The petition is dismissed as being



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devoid of any merit. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 23, 2026/v/isk