



2025:DHC:3866-DB



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

Date of decision: 15.05.2025

+ FAO(OS) 53/2025 & CM APPL. 29622/2025

MR. RAJEEV SETH

.....Appellant

Through: Mr.Arjun Aggarwal, Adv.

versus

STATE OF GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms.Nitika Bhutani, Adv. for

R-1/GNCTD

Mr.Arpit Dwivedi,

Mr.Manmeet Singh Nagpal and

Ms.Sakshi Kapoor, Advs. for

R-2

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. With the consent of the learned counsels for the parties, this appeal is being taken up for hearing today itself. The next date of hearing, that is, 12.08.2025, stands cancelled.

2. This appeal has been filed by the appellant challenging the Order dated 08.04.2025 passed by the learned Single Judge of this Court in I.A. No. 2317/2025 and in I.A. No. 5333/2024 in TEST.CAS. 1/2023 titled *Smt Archana Khanna v. State of Government of NCT of Delhi & Ors.*

3. By the Impugned Order, the learned Single Judge has allowed the I.A. 2317/2025, by which the respondent no.3 in the TEST.CAS.



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had sought deletion from the array of parties.

4. The said application was conceded to by the respondent no.2 herein, who is the petitioner in the TEST.CAS.

5. The objection of the learned counsel for the appellant to the Impugned Order is that the said application was not listed before the Court on the said date and, therefore, could not have been taken up for hearing in the absence of the appellant.

6. The learned counsel for the respondent no.2 submits that being the petitioner in the TEST.CAS. and being *dominus litus*, the deletion of the respondent no.3 shall be treated to be at the peril of the respondent no.2 and, therefore, the appellant can have no objection to the same.

7. We find merit in the above contention.

8. We clarify that the deletion of the respondent no.3 from the array of parties in the TEST.CAS. will be at the peril of the respondent no.2 and in case, it is later found that the presence of the respondent no.3 was essential to the TEST.CAS., it shall be to the prejudice of the respondent no.2 alone.

9. The above position is accepted by the learned counsel for the appellant.

10. Coming to the I.A. 5333/2024, this was an application filed by the respondent no.2 seeking condonation of delay in filing the rejoinder to the reply/objections filed by the appellant herein.

11. The grievance of the appellant is again, that this application was not listed before the learned Single Judge on 08.04.2025 and was taken up for hearing and allowed in the absence of the appellant.



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12. The learned counsel for the respondent no.2 fairly submits that the Impugned Order insofar as it allows I.A. 5333/2024, may be set aside and the said application be restored on the file of the learned Single Judge, to be adjudicated again after granting an opportunity of hearing to the appellant.

13. In view of the above concession, the Order dated 08.04.2025 passed in I.A. 5333/2024 is set aside. The application is restored back to its original number before the learned Single Judge, to be adjudicated afresh after hearing the learned counsels for the parties.

14. We are informed that the TEST.CAS. 1/2023 is now listed before the learned Single Judge on 04.07.2025. The said application shall also be listed before the learned Single Judge on the said date. No further notice of the same needs to be given to the parties or their counsels.

15. We make it clear that we have not expressed any opinion on the merits of the I.A. 5333/2024.

16. The appeal and the application are disposed of in the above terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 15, 2025/sg/ik

Click here to check corrigendum, if any