

\$~11

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

+ **FAO(OS) 561/2015**

DES RAJ & ANR

..... Appellants

Represented by: Mr.Jasmeet Singh, Advocate with
Mr.Saurabh Tiwari, Advocate

versus

SUDHA SAINI & ORS

..... Respondents

Represented by: Mr.Navin Chawla, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **01.02.2016**

1. Impugned order, upholding an order passed by the learned Joint Registrar, concerns an issue of admissibility of a compact disk. To put it simply, the admissibility itself of the document (a CD would be a document) arises.

2. In view of the law declared by the Supreme Court in the decision reported as (1981) 4 SCC 8 Shah Babulal Khimji Vs. Jayaben D.Kania & Anr. the impugned order would be a purely interlocutory order and cannot be classified as a judgment for purposes of a challenge to the order at this stage by filing a first appeal against an order.

3. As observed by the Supreme Court in paragraph 114 of its decision, such orders can be challenged when, and if, the appellant is aggrieved by a

final judgment. Such part of the judgment which grants relief against the appellant relying upon the contents of the CD can be attacked by questioning the very admissibility of the CD itself.

4. Holding the appeal to be not maintainable, we dismiss the same making it clear that if the appellants are aggrieved by a final decree the issue concerning challenge to the impugned order including cost imposed can be raised, and if raised would have to be decided in the appeal.

5. No costs.

CM No.22373/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 01, 2016

mamta