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

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Judgment delivered on: 02.03.2020

+ CRP 37/2020 & CM APPL. 8322/2020

SUDHANSHU RAWAT

..... Petitioner

versus

SANCHITA RAWAT

..... Respondent

**Advocates who appeared in this case:**

For the Petitioner: Mr.Piyush Kaushik and Mr.Asav Rajan, Advocates.

For the Respondent: None.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

1. Petitioner impugns order dated 08.01.2020 whereby the appeal filed by the petitioner impugning the order dated 21.12.2019 of the Trial Court has been dismissed.

2. Petitioner had filed the subject Suit for permanent and prohibitory injunction. After service of summons none appeared for the defendant and on 29.11.2019 the Trial Court proceeded ex-parte against the defendant and heard the arguments under Order 39 Rules 1 & 2 and kept the case for orders on 02.12.2019.

3. On 02.12.2019 applications under Order 9 Rule 7 and Order 7 Rule 10 CPC were filed by the respondent seeking setting aside of the ex parte order and rejection of plaint.

4. The Trial Court issued notice on the said applications and kept the case on 09.01.2020 for further proceedings. In the meantime, appellant filed the subject appeal before the Appellate Court impugning the order dated 02.12.2019.

5. By the impugned order, Appellate Court has held that on 02.12.2019 no effective adjudication of rights had taken place and as such the same was not an appealable order and accordingly declined to entertain the appeal.

6. Learned counsel for the petitioner submits that since the dispute is between the husband and wife, the respondent wife is approaching the colleagues of the petitioner and making allegations against him. Petitioner had *inter alia* sought an injunction thereby restraining the respondent from contacting directly or indirectly the friends, family, colleagues of the petitioner and the application under Order 39 Rules 1 & 2 CPC has still not been decided.

7. I find no infirmity in the view taken by the Appellate Court that order dated 02.12.2019 is not an appealable order, however, keeping in view the facts and circumstances of the case, the Trial Court is directed to expedite the consideration of the pending applications.

8. Petition is disposed of in the above terms.
9. Order *Dasti* under signatures of the Court Master.

**SANJEEV SACHDEVA, J**

**MARCH 02, 2020/rk**

