

\$~21

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

% Judgment delivered on: 16.03.2023

+ CM(M) 955/2022 & CM APPL. 40274/2022

RAJENDER KUMAR SAXENA Petitioner

versus

JITENDER KUMAR GUPTA Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sandeep Gaur, Mr. Mayank and Mr. Abhinav, Advs.

For the Respondent : Mr. Gaurav Duggal, Mr. Shyam S. Sharma, Mr. Sanjeev Kumar Baliyan and Mr. Johnson, Advs.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. With the consent of the parties, the following directions are passed:-

(i) The impugned order in respect of the observations and findings on merits, even though prima facie, with respect to the application under Order VI Rule 17 CPC, 1908, would be eschewed from consideration by the learned Trial Court.

(ii) The application under Order VI Rule 17 CPC, 1908 filed by the respondent stands allowed subject to para (i). The amended plaint, if not filed, may be filed by the respondent within two

weeks from today with an advance copy to the learned counsel appearing for the petitioner.

(iii) The petitioner/defendant may file its amended written statement to the amended plaint taking all and any objections available to it as per law including, but not limited to, the objections of limitation, objections under Section 33 & 35 of the Indian Stamp Act, 1899 etc.

(iv) Insofar as the challenge to the dismissal of the application under Order VII Rule 11 CPC, 1908 filed by the petitioner is concerned, the petitioner/defendant is at liberty to challenge the same in accordance with law before the appropriate forum.

2. The petition is disposed of in the above terms with no orders as to costs.

TUSHAR RAO GEDELA, J .

MARCH 16, 2023

ms