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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 16th August, 2024

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CM(M) 2427/2024

JAN MOHAMMAD

.....Petitioner

Through: Mr. Jitin Tewathia, Advocate.

versus

RAMESH CHANDER GUPTA

.....Respondent

Through: Mr. Rohit Pradhan, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM(M) 2427/2024 & CM APPL. 44484/2024

1. Petitioner herein is defending a suit for recovery of rent, mesne profits and possession of one shop.
2. According to the petitioner, he was never served with the process and, therefore, never learnt about the pendency of any such proceeding and, resultantly, he was proceeded against ex parte.
3. An application was moved before the learned Trial Court praying therein to set aside such order but such application has been dismissed and the case has been fixed for *ex parte final arguments*.
4. Such order dated 21.11.2023 is under challenge.
5. It also needs to be highlighted that the petitioner had also filed an application seeking review of the above order dated 21.11.2023. Such application has also been dismissed on 22.12.2023 and such order is also under challenge.



6. During course of the consideration, Mr. Rohit Pradhan, learned counsel for the respondent states that though there is no real substance in the present petition but since, the plaintiff (respondent herein) who is reportedly in his eighties does not want any further delay in his matter and would have no objection if the petitioner is permitted to participate in the proceedings, albeit, subject to imposition of reasonable cost.
7. Learned counsel for petitioner who appears through video conferencing states that he would abide by any direction to be passed in this regard by this Court.
8. Keeping in mind the overall facts and circumstances of the case and the gracious concession given by Mr. Pradhan, learned counsel for respondent, the petition is disposed of with direction that the petitioner- Jan Mohammad is permitted to participate in the suit proceedings. He would file his written statement within two weeks from today with an advance copy to the other side and learned Trial Court would, thereafter, proceed further with the matter in accordance with law.
9. However, for causing delay in the matter the petitioner is also burdened with cost of Rs. 25,000/- which shall be paid to the plaintiff (respondent herein) by the petitioner on the next date of hearing before the learned Trial Court which is stated to be 23.08.2024.
10. The petition stands disposed of in aforesaid terms.
11. The next date stands cancelled.

(MANOJ JAIN)
JUDGE

AUGUST 16, 2024/SW