



\$~88

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

% ***Date of Decision: 21th October, 2024***

+ **CM(M) 1176/2023 & CM APPL. 61529-61530/2024**

AMRIT LAL AGNIHOTRI

.....Petitioner

Through: Mr. Deepak Agnihotri, Advocate.

versus

SUSHIL KUMAR VERMA

.....Respondent

Through: Respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein is defendant before the learned Trial Court and is aggrieved by order dated 04.05.2023 whereby his application moved under Order VII Rule 11 CPC has been dismissed.
2. The matter has been taken up today on the basis of application moved by the petitioner whereby he is seeking stay of the proceedings in the suit in question.
3. Learned counsel for the respondent/plaintiff also appears on advance notice.
4. The suit is, reportedly, at the stage of plaintiff's evidence and the amount involved in the suit is also, relatively, very small.
5. The question is whether suit is barred in view of provision contained under Right to Information Act or not and the application moved in this



regard by the defendant seeking rejection of the plaint has been dismissed.

6. Since the matter pertains to a small cause, there are no formal framing of issues as such.

7. During course of the arguments, learned counsel for respondent/plaintiff stated that, without prejudice to his rights and contentions, he would have no objection if, while hearing the final arguments, the learned Trial Court re-consider the aforesaid aspect regarding maintainability of the present suit or the fact whether the suit is barred under any provision of law or not. He, however, reiterates that the order impugned herein is fully justified and there was no reason to have rejected the suit.

8. Be that as it may, in view of said statement of learned counsel for the respondent, learned counsel for the petitioner submits that he is left with no grievance and the present petition may, accordingly, be disposed of with necessary direction to learned Trial Court.

9. In view of the above, the present petition is disposed of with direction to the learned Trial Court to also hear the arguments with respect to the aforesaid aspect at the stage of final arguments and to decide the same in accordance with law, without getting influenced by the impugned order.

10. It is, however, clarified that this Court has not made any observation about the merits of such issue.

11. The petition stands disposed of in the aforesaid terms.

12. The next date stands cancelled.

(MANOJ JAIN)
JUDGE

OCTOBER 21, 2024/sw