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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3348/2024 & CM APPL. 51963-51965/2024**

AMIT BHARTI

.....Petitioner

Through: Mr. B.S. Randhawa, Mr. Pukhraj,
Mohd. Usman Siddiqui and Ms.
Sakira Kidwai, Advocates

versus

MURARI KUMAR SINGH & ANR.

.....Respondent

Through: None

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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06.09.2024

CM APPL. 51963/2024 (exemption)

Exemption allowed, subject to all just exceptions.

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1. The order impugns before this Court is an order by which the suit has been rejected. Section 2 (2) CPC defines decree as under:-

Section 2: Definitions –(2) "decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within [* *] section 144, but shall not include-*

- (a) any adjudication from which an appeal lies as an appeal from an order, or*
- (b) any order of dismissal for default.*

Explanation .-A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is

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final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final

2. Apparently, if the suit is rejected, it also amounts to decree. Therefore, against any decree, appeal would be maintainable. Learned counsel for petitioner also acknowledges the aforesaid situation and states that he may be permitted to withdraw the present petition with liberty to file the proper appeal.

3. Present petition is accordingly dismissed as not pressed. Liberty, as prayed, is granted.

MANOJ JAIN, J

SEPTEMBER 6, 2024/dr