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

% ***Date of decision: 21st October, 2024***

+ **CM(M) 3651/2024 & CM APPL. 61509-61510/2024**

SANDEEP RAINA

.....Petitioner

Through: **Mr. Rajiv Kumar Chaudhary,**
Advocate.

versus

SACHIN SHARMA

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner has filed a suit for possession, damages and eviction of unauthorized occupant against his tenant Sh. Sachin Sharma.
2. According to petitioner, a lease deed was executed in writing and in view of the written statement filed by the defendant, the plaintiff had moved an application under Order XII Rule 6 CPC seeking decree based on *admissions* made in the written statement.
3. Learned Trial Court has, however, without considering the above said application, framed the issues.
4. I have seen order dated 27.08.2024 whereby learned Trial Court has framed the issues and has also, simultaneously, fixed up the matter for 13.12.2024 for reply and arguments on said application moved by the plaintiff under Order XII Rule 6 CPC.



5. During course of the arguments, learned counsel for the petitioner stated that, without prejudice to his rights and contentions, he would not press the present petition if learned Trial Court is requested to hear arguments on the above said application and, thereafter, depending on the outcome of said application, to proceed further with the matter in accordance with law, including recording of evidence pertaining to the above said issues.

6. Nobody appears on behalf of respondent/defendant on advance notice.

7. Keeping in mind the overall facts and circumstances of the case and also the fact that learned Trial Court has itself fixed up the matter for arguments on such application moved under Order XII Rule 6 CPC, the present petition is disposed of with the direction to learned Trial Court to first hear the arguments on the above said application and then to proceed further with the trial/matter in accordance with law.

8. The petition is disposed of accordingly.

(MANOJ JAIN)
JUDGE

OCTOBER 21, 2024
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