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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 92/2023**
GURU TEG BAHADUR PUBLIC SCHOOL SOCIETY

.....Petitioner

Through: Mr. A. Maitri, Ms. Radhika
Chandershekher and Mr. Arnav
Mudgal, Advocates.

versus

AMARJOT SINGH SETHI & ANR.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **17.04.2025**

CM(M) 92/2023 & CM APPL. 22436/2025

1. Petitioner herein had been defending a civil suit which had been filed under Order XXXVII CPC.
2. However, while considering the fact whether *leave to defend* is to be granted to the defendant Society (petitioner herein) or not, learned Trial Court, vide order dated 21.11.2022, granted *conditional leave* to defendant on its depositing 25% of the suit amount.
3. Such order was challenged by filing the present petition.
4. When the present petition was taken up by this Court on 23.01.2023, there was a direction to defendant society to deposit a sum of Rs.10 lacs before the learned Trial Court in the form of fixed deposit with the direction that on its such deposit, the order of deposit of 25% of the suit amount passed by the learned Trial Court shall remain stayed, though, at the same time, the learned Trial Court was also permitted to proceed further with the matter in accordance with law.
5. The next date in the present matter is 08.08.2025.
6. However, the abovesaid application has now been moved apprising about

CM(M) 92/2023

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significant subsequent development in the matter.

7. It has been apprised by the learned counsel for petitioner that the trial has already taken place and *vide* judgment dated 05.04.2025, the suit in question has been dismissed by the learned Trial Court.

8. It is submitted that since suit has been dismissed, the present petition does not survive anymore and has rather become infructuous and the petitioner/defendant society is also, now, entitled to seek release of the abovesaid amount of Rs.10 lacs with accrued interest.

9. A copy of judgment dated 05.04.2025 has also been placed on record.

10. None appears on behalf of the respondent/plaintiff despite advance notice.

11. Be that as it may, it is quite apparent and evident that in view of the fact that the suit has already been dismissed by the learned Trial Court, nothing survives in the present and, therefore, the present petition, in view of the dismissal of the suit is disposed of as having become infructuous.

12. The deposit of Rs.10 lacs was made by submitting an FDR in the name of the Court and the learned Trial Court is requested to return such FDR, after due endorsement, to defendant society.

13. A copy of this order be transmitted to learned Trial Court for information and compliance.

14. The next date i.e. 08.08.2025 stands cancelled.

MANOJ JAIN, J

APRIL 17, 2025/ss/shs