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

+ FAO(OS) 29/2023, CM APPL. 9923/2023 (Ex.), CM APPL. 9924/2023 (Seeking permission to filed lengthy list of dates and synopsis) & CM APPL. 9925/2023 (Ex. from serving the advance copy of the appeal upon the proforma respondents)

HIMANSHU GOYAL & ANR.

.....Appellants

Through: Mr. Kunal Tandon, Senior Advocate with Mr. Ajay Shekhar, Mr. Amandeep Singh, Ms. Natasha Singh and Mr. Pawan Kant Singh, Advocates.

versus

DHRUV GOYAL & ORS.

.....Respondents

Through: Mr. Sandeep Sethi and Mr. Amit Raval, Senior Advocates with Mr. Shivam Sharma and Ms. Rishita, Advocates for Respondent Nos. 1 to 3.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

03.12.2025

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1. The present Appeal has been filed under Section 10 of the Delhi High Courts Act, 1966, read with Order XLIII of the Civil Procedure Code, 1908, assailing the Order dated 10.01.2023 [**“Impugned Order”**] passed by learned Single Judge of this Court in I.A. No.8468 of 2009 in CS (OS) No.420 of 1982 titled as “*Dhruv Goyal & Ors. vs. Anand Prakash Goyal & Ors.*” By way of the Impugned Order, the learned Single Judge has dismissed the Interlocutory Application preferred by the Appellants seeking mesne profits/user and occupation



charges from Respondent Nos. 1–3 in respect of one of the Suit properties, namely Property No. 29-A/1, Asaf Ali Road, New Delhi [**“Subject Property”**], consisting of a basement, on the ground that the mesne profits to the extent of the Appellants’ share in the Said Property are deferred to be considered at the appropriate stage along with the other Suit properties.

2. Learned counsel for the parties have been heard at length.
3. The Plaintiffs (Respondents herein) filed a Suit seeking partition of the joint property, rendition of accounts, and mesne profits for use and occupation of the properties.
4. During the pendency of the Suit, the Defendants (Appellants herein) filed an application for assessing mesne profits for use and occupation of the Subject Property.
5. The learned Single Judge held that the said application shall be decided along with the main case because the Suit has been pending for quite some time.
6. Learned counsel for the Appellants submits that, on the one hand, in the year 2010, the Appellants were directed to pay mesne profits for the use of excess share with respect to the property located in Sunder Nagar, which is in the possession of the Appellants, whereas a similar application filed by the Defendants regarding the Subject Property has not been decided.
7. This Court has considered the submissions made by the counsels of the Parties. The ultimate aim and object of the Court should be to ensure final adjudication of cases, rather than spending time on various miscellaneous applications, which are time-consuming. Efforts must be made to focus on the decision of the main case rather than on miscellaneous applications.



8. Pendency of the Suit for a period of 43 years before the Court of first instance does not reflect well on the institution. Although learned counsel for the Appellants has submitted that certain observations made in the Impugned Order are incorrect, however, keeping in view the facts of the case, the present Appeal is disposed of with the clarification that the observations made in the Impugned Order shall not be construed as a final expression on the merits of the case, and the Suit shall be decided uninfluenced by the observations made therein.

9. Before parting with this case, this Court is compelled to request the learned Single Judge to proceed to decide the case expeditiously, as the matter is presently at the stage of Plaintiffs' evidence and the cross-examination of the first witness/ PW-1 is yet to be completed.

10. The present Appeal along with pending application(s), if any, is disposed of.

11. The parties, through their respective learned counsels, are directed to appear before the learned Single Judge on the date already fixed i.e., 08.01.2026.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 03, 2025/nd/her