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

+ **FAO (COMM) 52/2025 and CM APPL. 9985/2025**

DEVIKA SHARMA & ORS.

.....Appellants

Through: Mr Jay Kishor Sing with Mr Mohit Raj, Advocates.

versus

NIRA INFRASTRUCTURES ENGINEERS PVT LTD & ORS.

.....Respondents

Through: Mr Surjendu Sankar Das with Mr Annie Mittal and Ms Aarushi Singh, Advocates for R1.
Mr Aayushman Bhatt, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **20.05.2025**

1. The appellants have filed the present appeal impugning an order dated 11.02.2025 whereby the appellants were directed to vacate the ground floor of the property bearing no. E-169, Greater Kailash II, New Delhi – 110048 and hand over the keys to the plaintiff in the suit [Nira Infrastructures Engineers Pvt. Ltd.].
2. A plain reading of the impugned order indicates that the learned Commercial Court had dictated a separate order which was announced in open court on 11.02.2025 and the impugned order is premised on the said order. The said order which was passed under Order XXXIX Rules 1 and 2 of the Code of the Civil Procedure, 1908 [**CPC**] has not been impugned by



the appellants in this appeal.

3. After some arguments, it does appear that the learned counsel for the appellants is not aware that any such order had been passed in the first place.

4. In view of the above, since the said order is not subject matter of challenge, the present appeal is disposed of leaving it open for the appellants to also impugn the main order passed under Order XXXIX Rules 1 and 2 of the CPC, if aggrieved, in accordance with law.

5. *Dasti*, under the signatures of the court master.

VIBHU BAKHRU, J

TEJAS KARIA, J

MAY 20, 2025/tr

Click here to check corrigendum, if any