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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 21st July, 2025*

+ CM(M) 84/2020 & CM APPL. 43048/2025

CHANDER MOHAN KHANDELWAL

.....Petitioner

Through: Mr. Rajeev Kumar, Mr. Sanjay Tyagi,
Mr. Ravi Kumar and Mr. Yash
Choudhary, Advocates

versus

HEMANT WADHWA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is plaintiff before the learned Trial Court in suit titled as *Chander Mohan Khandewal Vs. Hemant Wadhwa Civil Suit No. 662/2018*.
2. During the pendency of the aforesaid suit, plaintiff moved an application under Order XII Rule 6 CPC seeking decree on the basis of admission made by his adversary. However, when the aforesaid application was taken by the learned Trial Court on 07.08.2019, noticing that there was a connected civil suit i.e. Civil Suit No. 555/2017 and since the proceedings of the aforesaid connected suit had been stayed by this Court and issues involved in both the suit were, substantially, the same, it observed that it will not be appropriate to decide aforesaid application under Order XII Rule 6 CPC.
3. Para-04 of the impugned order reads as under:-

"4.I have given my thoughtful consideration on the submissions of both the counsels. The "connected civil suit bearing no. 555/17, is pending before this court, therefore, I called the file of the said suit from the Ahlmad and perused the pleadings of the suit and after perusing of pleadings of both the suits, I agree with the submissions made by plaintiffs counsel that the issues involved in both the suits are substantially same, therefore, it would not be appropriate to decide an application u/O 12 Rule 6 CPC at this stage of the matter when the other connected suit is stayed by Hon'ble High Court as the



decision on this application may prejudice the rights and contention of the defendant herein in the suit bearing no. 555/17, filed by him against the plaintiff herein”.

4. Such order is under challenge.
5. Next date in the present petition is 12.08.2025.
6. However, in the interregnum, the above application has been moved by the petitioner/plaintiff under Section 151 CPC. He submits that aforesaid embargo stands lifted as this Court, while dealing with C.R.P. NO. 90/2019 which emanated from the connected suit i.e. Civil Suit No. 555/2017, has already rejected such connected suit in terms of Order VII Rule 11 CPC.
7. Copy of order dated 19.05.2025 has also been placed on record which clearly records that plaint of Civil Suit No. 555/2017 stands rejected under Order VII Rule 11 CPC.
8. None appears on behalf of the respondent.
9. However, in view of the above, since the embargo stands lifted in view of the rejection of the connected plaint, the present petition is disposed of with direction to learned Trial Court to take up the aforesaid application moved under Order XII Rule 6 CPC and to dispose that of in accordance with law, after giving due opportunity of hearing to both the sides.
10. It is, however, clarified that this Court has not made any observation on the merits of such application.
11. Next date i.e. 12.08.2025 stands cancelled.
12. Pending application also stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 21, 2025/dr/shs