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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 30/2025 & CM APPL. 12674/2025**
KAMAL JINDALAppellant
Through: Mr.Rajinder Mathur, Mr.Tarun
Mathur and Mr.Akshat
Singhal, Advs.

versus

GYAN PRAKASH TAYAL (SINCE DECEASED)
THROUGH LR. MADHUR TAYALRespondent
Through: Mr.Sunil Goyal, Mr.Nitin Kala,
Mr.Ankit Kumar and
Ms.Jyotsna Shandilya, Advs.
for R-1

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

% **ORDER**
21.05.2025

1. This appeal has been filed challenging the Order dated 24.01.2025 passed by the learned Single Judge of this Court in O.A. No.16/2025 in CS(OS) 702/2023, titled ***Kamal Jindal v. Gyan Prakash Tayal & Anr.***, allowing the Chamber Appeal filed by the respondent herein by setting aside the Order dated 16.12.2024 passed by the learned Joint Registrar (Judicial).
2. The learned counsel for the appellant submits that no formal notice of the said Chamber Appeal had been issued to the appellant before the passing of the Impugned Order.
3. He further submits that the Order dated 16.12.2024 had been

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passed by the learned Joint Registrar (Judicial), allowing I.A.38018/2024 and I.A. 38019/2024 in light of the 'no objection' given by the learned counsel for the respondent herein. He submits that in such circumstances, the remedy of the Chamber Appeal itself was not maintainable.

4. On the other hand, the learned counsel for the respondent, Mr.Sunil Goyal, submits that the Order dated 16.12.2024 passed by the learned Joint Registrar (Judicial), wrongly records his presence. He submits that the no objection to the I.A.38018/2024 and I.A. 38019/2024 being allowed, was given by the proxy counsel appearing for the respondent without his instructions. Therefore, a Chamber Appeal was filed.

5. We have considered the submissions made by the learned counsels for the parties.

6. In the Chamber Appeal that was filed before the learned Single Judge, there are two questions that arise. The first question is whether the Appeal itself is maintainable, as the respondent is challenging the record of the Order dated 16.12.2024 passed by the learned Joint Registrar (Judicial). The second question is whether the learned counsel for the respondent can be allowed to withdraw from the statement that has been recorded in the Order dated 16.12.2024 passed by the learned Joint Registrar (Judicial).

7. Such an appeal, in our opinion, should not have been allowed by the learned Single Judge without issuing a formal notice to the appellant and giving him an opportunity of hearing.

8. Accordingly, the Impugned Order dated 24.01.2025 is set aside.

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The Chamber Appeal is restored to its original number, to be decided afresh by the learned Single Judge upon hearing both the parties.

9. The Chamber Appeal shall be listed before the learned Single Judge on 28th July, 2025.

10. As the learned counsels for both the parties are appearing before us, no formal notice of this date of hearing now need to be given to the parties.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 21, 2025/sg/SJ

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