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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 17th March, 2025

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CM(M) 500/2025

RAJ KAPOOR PRASAD YADAV

.....Petitioner

Through: Mr. R.K. Bali and Ms. Meghna Bali,
Advocates.

versus

NAVNEET CHATURVEDI

.....Respondent

Through: Mr. Parmod Kumar Singhal and
Mr. Rahul Singhal, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 15439/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner is defending a suit for mandatory and permanent injunction. The petitioner is defendant no. 2 in such suit.
4. According to learned counsel for the petitioner (defendant no. 2), he was never aware of the abovesaid suit filed against him and, he never authorised anyone to represent him in the above said suit before the learned Trial Court.
5. Learned counsel for the petitioner submits that though in order sheet dated 23.03.2023, it is mentioned that the counsel for defendant no. 2 had



appeared and had submitted that he had not received copy of the plaint along with the documents, fact remains that as per the specific case of the petitioner, he neither received any summons nor instructed any counsel to appear before the learned Trial Court on said date i.e. 23.03.2023.

6. However, the grievance in the present petition is against order dated 05.09.2024. Since the written statement was not been filed by the petitioner herein, and since there was no representation from his side on that day, the learned Trial Court directed his defence to be struck off.

7. Such order is under challenge.

8. When asked, learned counsel for the petitioner submitted that he did not file any application seeking recall of the abovesaid order before the learned Trial Court. He also submits that he never apprised the learned Trial Court, at any previous point of time, that the counsel, who had appeared before the Court on 23.03.2023, was not authorised by him to represent him in the above said suit.

9. After hearing arguments for some time, learned counsel for the petitioner submits that, without prejudice to his rights and contentions, he would rather file application before the learned Trial Court seeking recall of the order dated 05.09.2024 and therefore, he does not press the present petition at the moment.

10. In view of the above, the present petition is disposed of as not pressed.

11. Needless to say, petitioner is always be at liberty to file appropriate application before the learned Trial Court seeking recall of the abovesaid order dated 05.09.2024.



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12. The petition stands disposed of in the aforesaid terms. This Court clarifies that it has not made any observation with respect to the merits of the case and, as and when, any such application is moved, the learned Trial Court would dispose of the same in accordance with law, after hearing both the sides.

(MANOJ JAIN)
JUDGE

MARCH 17, 2025/uk/pb