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

% ***Date of Decision: 7th April, 2025***

+ CM(M) 643/2025

NIRANJAN LAL GUPTA

.....Petitioner

Through: Mr. Naveen Kr. Goyal with Ms. Ritika
Goyal, Advocates.

versus

UOI

.....Respondent

Through: Ms. Monika Arora, CGSC with Mr.
Yash, GP and Mr. Shubrodeep Saha
and Mr. Prbhat Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. A reference under Section 18 of Land Acquisition Act, 1894 is pending adjudication before the Court of learned District Judge-02 (East).
2. An application seeking intervention was filed by Mr. Niranajan Lal Gupta.
3. Such application moved under Order I Rule 10 CPC came up for consideration before the learned Trial Court on 20.12.2024.
4. Though his counsel, Mr. Naveen Kr. Goyal was present in the Court, the applicant himself had not appeared before the Court and it was apprised to the learned Court that the applicant had joined the proceedings through *video*



conferencing. Since the applicant was not visible on the *video conferencing* platform, the learned Trial Court dismissed the application in default.

5. Interestingly, when same day, the matter was taken up by the learned Reference Court in no time thereafter i.e. at 10:30 A.M., applicant Mr. Niranajan Lal Gupta joined the proceedings but to no avail.

6. The question is when the counsel of applicant was very much present before the learned Trial Court, could the learned Trial Court have dismissed the application in default?

7. Since the counsel was present, there was no embargo in hearing arguments and after hearing arguments, if the Court was of the view that the application had no merit, it could have easily dismissed the same on merits. But there was no reason whatsoever to have dismissed the application in default and, that too, with such undue haste, as has been shown in the present matter.

8. There is also nothing to indicate that the personal appearance of applicant was obligatory for disposal of such application.

9. Learned counsel for respondent UOI appears on advance notice through *video conferencing* and leaves it to discretion of this Court to pass appropriate order.

10. Evidently, the impugned order is not sustainable. Since the applicant was duly represented, there was no reason or occasion for the learned Trial Court to have dismissed the application in-default.



11. Though, the applicant could have also easily moved an application seeking restoration of its application, since the supervisory jurisdiction of this Court has been invoked and since, apparently, there is perversity in the impugned order, the petition is allowed by directing the learned Trial Court to hear the applicant on the abovesaid application moved under Order I Rule 10 CPC on the next date fixed before it which is stated to be 25.04.2025.

12. Petition stands disposed of in aforesaid terms and the impugned order, to the above extent, is set aside.

13. It is, however, clarified that this court has not made any observation with respect to the merits of the above said application.

(MANOJ JAIN)
JUDGE

APRIL 7, 2025/sw/SS