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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 2635/2024 & CM APPL. 30817/2024 & CM APPL. 30819/2024
LAKSHAY GUPTAPetitioner

Through: Mr. Piyush Aggarwal, Advocate.
versus

GAURAV RATHIRespondent

Through: Mr. Satya Bhushan with Mr. Gaurav
Rathi, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **18.07.2025**

1. Petitioner is defending a suit which was summary in nature.
2. The present petition had been filed against order dated 23.01.2024 whereby he was granted *conditional leave*.
3. However, in the interregnum, since there was no stay in the proceedings, the learned Trial Court took up the matter and has already passed decree, for non-compliance of the condition imposed upon the defendant.
4. Such decree has been challenged by filing a *Regular First Appeal* (RFA), which is pending adjudication before the learned Division Bench of this Court.
5. Learned counsel for the petitioner submits that in view of the abovesaid subsequent development, he may be, in terms of Section 105 CPC, be permitted to challenge the order which is impugned here i.e. order dated 23.01.2024 by setting forth the same as additional objection in his *Memorandum of Appeal*.
6. In view of the above statement, the present petition stands disposed of as not pressed.
7. Liberty, as prayed, is granted.
8. All rights and contentions of the parties are reserved.

MANOJ JAIN, J

JULY 18, 2025/sw/JS