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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1027/2025 & CM APPL. 33592-33593/2025**
VAISH AGGARWAL SABHA REGD. & ANR.Petitioner

Through: Mr. Shiv Charan Garg, Mr. Imran
Khan and Ms. Jahanvi Garg,
Advocates

versus

SHRI ASHOK KUMAR GARG & ORS.Respondent
Through: Mr. Vivek Gaur, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
28.05.2025

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1. Petitioners herein are defending a suit for declaration and permanent injunction and are aggrieved by order dated 24.04.2025 whereby their application moved under Order VII Rule 11 CPC has been dismissed.
2. The prime grievance of the petitioners herein is to the effect that the suit is bad for non-joinder of necessary party and can, thus, always entail dismissal in terms of Order I Rule 9 CPC.
3. Learned counsel for respondents/plaintiffs has also joined the proceedings through *videoconferencing* on advance notice.
4. However, after hearing arguments for some time, Mr. Shiv Charan Garg, learned counsel for petitioner, without prejudice to his rights and contentions, does not press the present petition. He, however, submits that as and when Court reaches at the stage of framing of issues, he would make request to learned Trial Court to frame a preliminary issue to the above aspect

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of non-joinder of necessary party.

5. Present petition is disposed of as not pressed in the aforesaid terms and defendants are always at liberty to make any such request before the learned Trial Court at appropriate stage.

MANOJ JAIN, J

MAY 28, 2025/dr/shs