



2025:DHC:3974



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 13.05.2025***+ **C.R.P. 149/2022 & CM APPL. 42141/2022**

NARENDER KUMAR JAIN

.....Petitioner

Through: Mr. P.D. Gupta, Sr. Advocate with
Mr. Atul Gupta, Advocate.

versus

PAWAN KUMAR JAIN

.....Respondent

Through: Mr. Siddharth Aggarwal, Advocate.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed on behalf of the Petitioner under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] against the order dated 29.03.2022 passed by learned ADJ-08, Tis Hazari Court, Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the two Applications under Order VII Rule 11 of the CPC filed by the Petitioner have been dismissed by the learned Trial Court.

2. Learned Senior Counsel for the Petitioner submits that his grievance is limited to the fact that while dismissing the Applications under Order VII Rule 11 of the CPC, the learned Trial Court has given findings which would prejudice the Petitioner in raising his defence in the matter at the time of final adjudication.

2.1 Learned Senior Counsel for the Petitioner further submits that



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although at one paragraph in the Impugned Order the word “*prima facie*” has been used, the order reads as if a final decision has been passed in the matter.

3. Learned Counsel for the Respondent on the other hand submits that the word “*prima facie*” was used in one part of the Impugned Order, hence, the learned Trial Court intended the findings to be of a *prima facie* nature. However, learned Counsel for the Respondent submits that in the interest of expediency, he does not have any objection if the findings which are recorded in the Impugned Order be not considered as final findings of the learned Trial Court in the matter.

4. It is so directed.

5. The Petitioner is permitted to agitate his contentions which were set out in the Applications under Order VII Rule 11 of the CPC, *albeit* in accordance with law before the learned Trial Court.

6. This order is being passed without prejudice to the rights and contentions of both the parties.

7. The Petition is disposed of in the foregoing terms. The pending Application also stands closed.

8. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 13, 2025/ ha

[Click here to check corrigendum, if any](#)