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

+ **CM(M) 1194/2025 & CM APPL. 40180-40181/2025**

VIJAYANT KUMAR SINGH

.....Petitioner

Through: Mr.D.K.Sharma, Advocate.

versus

SMT SNEH GAKHAR

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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10.07.2025

CM APPL.40181/2025

Exemption allowed, subject to all just exceptions.

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1. The petitioner is defending a suit for possession, damages, mesne profits. He filed written statement and the matter was put to trial, after framing of issues.
2. The plaintiff entered into witness box and was also partly cross-examined by the defendant, but thereafter, there was no appearance from the side of defendant.
3. Order dated 03.04.2025 would indicate that there was no appearance from the side of defendant on 06.11.2024 and 19.12.2024. Learned Trial Court, rather, issued court notice to him to appear in Court on 30.01.2025, but despite that, the defendant failed to enter his appearance before the learned Trial Court and his defence was accordingly struck off and he was

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proceeded *ex-parte* on 03.04.2025.

4. The matter was, resultantly, fixed for final arguments.

5. During course of arguments, when asked, learned counsel for the petitioner, in all fairness, submitted that the case is fixed today itself before the learned Trial Court for pronouncement of *judgment/clarification*.

6. In such a situation, it will not be appropriate for this Court to invoke its supervisory jurisdiction and to interfere with the impugned order. The petition is accordingly disposed of with the liberty to petitioner that in case he suffers a *decree* and is compelled to file an appeal, in terms of Section 105 CPC, he would be permitted to challenge the orders which are impugned before this Court, by setting forth those as grounds in memorandum of appeal.

7. The petition stands disposed of in the aforesaid terms.

MANOJ JAIN, J

JULY 10, 2025

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