



\$~108

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1227/2025 & CM APPL. 41434/2025 & CM APPL. 41435/2025**

SMT PUSHPA GOEL DECEASED PRACHI RASTOGI & ANR.

.....Petitioner

Through: Mr. Rohan, Mr. Nitin Kumar, Mr. I.J. Sharma and Mr. Lalit Sharma, Advocates

versus

SHRI DINESH KUMAR GULIA

.....Respondent

Through: Mr. Rakesh Khanna, Senior Advocate with Mr. Divyakant Lahoti, Mr. Parmesh Bali, Mr. Adith Menon, Ms. Arushi Jindal, Mr. Gagan Garg and Mr. Saurav Bal, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **25.07.2025**

1. Learned Senior Counsel for respondent/plaintiff appears pursuant to the notice.
2. However, at the very outset, learned counsel for petitioner (defendant before the learned Trial Court) divulges that the suit was subsequently taken up by the learned Trial Court on 15.07.2025 and on that day, while also striking off the defence of the defendant, the entire suit, as such, has also been decreed.
3. In view of the above subsequent development, clearly, it will not be appropriate for this Court to interfere with the impugned order which was

CM(M) 1227/2025

1



merely with respect to order passed under Order XV-A CPC.

4. Petition is accordingly disposed of with liberty to petitioner that as and when he challenges the decree, in terms of Section 105 CPC, he would be at liberty to challenge order dated 30.05.2025, which is impugned here, by incorporating the same as an objection in the *Memorandum of Appeal*.

5. Pending applications also stand disposed of in the aforesaid terms.

6. All rights and contentions of the parties are reserved.

MANOJ JAIN, J

JULY 25, 2025/dr/shs