



2025:DHC:6046



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 23rd July, 2025*

+ CM(M) 1331/2025 & CM APPL. 43913-43914/2025

ANIL KUMAR GUPTA & ANR.Petitioner

Through: Mr. Abhishek Aggarwal, Advocate

versus

GEETA & ANR.Respondent

Through: None

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by order dated 16.07.2025 whereby the learned Trial Court has fixed up the matter for order on maintainability of the suit.
2. Learned counsel for petitioner submits that in the middle of the proceedings, the learned Trial Court could not have, *suo moto*, taken up the aspect of maintainability and, therefore, it is prayed that the aforesaid order may be, therefore, set aside.
3. He also submits that his various applications, including application seeking amendment in the plaint, are pending adjudication before the learned Trial Court and instead of deciding those applications, the learned Trial Court has fixed up the matter for order on maintainability.
4. Ideally speaking, any application which seeks amendment in the plaint, should have been answered swiftly, fact remains that since the learned Trial Court has already fixed up the matter for orders, this Court does not find any



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compelling reason to interfere with the impugned order.

5. The present petition is accordingly disposed of in the aforesaid terms.
6. All right and contentions of the parties are reserved.
7. Needless to say, in case petitioner is aggrieved by the order to be pronounced by the learned Trial Court on 04.08.2025, it will be open to him to take recourse to appropriate judicial remedy, as available under law.
8. Pending applications also stand disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 23, 2025/dr/shs