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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1368/2025, CM APPL. 44918/2025 & CM APPL. 44919/2025
ANITA SHARMA

.....Petitioner
Through: Mr. Rajeev Gupta, Adv. (through VC).

versus

MUKANDI DEVI & ORS.

.....Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
28.07.2025

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1. Petitioner is plaintiff before learned Trial Court and has filed a suit for possession, injunction and for recovery of *mesne profit*.
2. Admittedly, pursuant to the summons issued by the learned trial Court, the defendants put in appearance and were directed to file written statements as well, which is evident from one order dated 26.11.2022, as well as, one subsequent order dated 25.02.2023. Despite such opportunities given by learned Trial Court, since the written statement was not filed, learned Trial Court was compelled to close their right to file written statement and struck off their defence and the matter was, resultantly, fixed for plaintiff's evidence.
3. The defendants, at a later stage, moved an application seeking recalling of order dated 02.05.2023 and also requested learned Trial Court to permit them to file written statements.

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4. The grievance of the plaintiff is with respect to the order by which they have been permitted to participate in the proceedings, despite the fact that no reason, much less of a cogent one, was assigned by them.
5. The Court has gone through the impugned order dated 02.05.2023. Evidently, the learned Trial Court also recorded the fact that the defendants did not pursue the matter diligently and, therefore, their right to file written statements had been earlier closed. The learned Trial Court, however, also considered the fact that in their application, the defendants made reference to the poor health of their previous counsel and observed that the parties should not be made to suffer because of any lapse on the part of the previous counsel and as a balancing act, while permitting the defendants to participate in the proceedings, burdened them with a cost of Rs.10,000/-.
6. The invocation of supervisory powers under Article 227 of the Constitution of India is warranted where there is perversity or illegality in exercising discretion, while permitting any such party to participate in the proceedings. There is nothing which may indicate any such perversity, compelling this Court to interfere with the impugned order.
7. Petition is accordingly dismissed.
8. Pending applications, if any, also stand disposed of.

MANOJ JAIN, J

JULY 28, 2025/ck/shs



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