



2025:DHC:7536



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

% ***Date of Decision: 13.08.2025***

+ **C.R.P. 233/2025**

ALKA SINGH

.....Petitioner

Through: Ms. Malvika Trivedi, Sr. Adv. with
Mr. Karan Sharma, Mr. Mohit Siwach
and Ms. Sujal Gupta, Advs.

versus

RAKESH KUMAR SINGH

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM Appl. 49738/2025/Exemption from filing certified copies]

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

C.R.P. 233/2025

3. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] impugning the order dated 19.05.2025 passed by the learned Additional District Judge, South West District, Dwarka Courts, New Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Application under Order XII Rule 6 of the CPC filed by the Petitioner has been dismissed by the learned Trial Court.



2025:DHC:7536



4. The learned Trial Court has passed the Impugned Order given a finding that the Counter-Claim filed in the form of a suit for specific performance by the Respondent/Defendant is pending before the Court. Learned Senior Counsel for the Petitioner submit that there is absolutely no defence that has been raised by the Respondent that this aspect of the matter was not examined by the learned Trial Court.
5. Learned Senior Counsel for the Petitioner submits that the principal reason as to why the Petition under Order XII Rule 6, CPC has been dismissed is in view of the pendency of the counter claim of specific performance as well as for injunction and recovery of money is pending before the learned Trial Court as well.
6. Learned Senior Counsel for the Petitioner further submits that the Respondent is nothing but a gratuitous licensee and that the suit for specific performance that has been filed by him is not maintainable and is without any basis.
7. It is further the averment of the learned Senior Counsel for the Petitioner that a perusal of the record in the counter claim would show that other than taking adjournments for the last one year, no proceedings have taken place in the counter claim, thus it is contention of the Petitioner that the counter claim has merely been filed to delay the adjudication of the suit that has been filed by the Petitioner/Plaintiff.
8. A copy of the order sheet of the learned Trial Court has been handed across to the Court. The Registry is directed to scan and upload the same so that it remains embedded in the case file.



2025:DHC:7536



9. The order sheet shows that the counter claim was registered as counter claim No. CS DJ/ADJ/1231/2023 captioned ***Shri Rakesh Kumar Singh v. Smt. Alka Singh & Ors.*** on 04.06.2024, and thereafter, despite the lapse of 9 hearings thereafter in the course of one year, there has been no progress in the counter claim and several adjournments have been taken by the Respondent/counter claimant.

10. After some arguments, learned Senior Counsel for the Petitioner, on instructions, submits that in the event directions are passed seeking expeditious hearing in the matter, the Petitioner would be satisfied.

11. In view of the fact that the order sheet of the learned Trial Court in the counter claim reflects that several adjournments have been taken and that no effective hearing of the counter claim has taken place despite the lapse of one year, this Court deems it apposite to dispose of the present Petition with a direction that both parties shall not take any unnecessary adjournments in the matter.

12. The learned Trial Court is requested to examine the counter claim on the next date of hearing.

13. The Petition is disposed of in the foregoing terms.

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

TARA VITASTA GANJU, J

AUGUST 13, 2025/pa