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

+ **C.R.P. 235/2025 & CM APPL. 50303-50304/2025**

M/S JAIN STEELS THROUGH ITS AR RAHUL
JAIN

.....Petitioner

Through: Mr. Puneet Ahuja, Advocate.

versus

RABBAH ENGINEERING WORKS THROUGH ITS
PROPRIETOR RAJIV JAIN

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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18.08.2025

CM APPL. 50303/2025 *[Exemption from filing certified/legible/typed copies]*

1. Allowed, subject to the Petitioner filing legible/typed copies of the annexures within a period of three weeks.
2. The Application stands disposed of.

C.R.P. 235/2025 & CM APPL. 50304/2025 *[Stay]*

3. The present Petition has been filed on behalf of the Petitioner under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] against the order dated 05.07.2025 passed by learned SCJ, North, Rohini Courts, Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Application under Order IX Rule 13 of the CPC filed by the Respondent/Defendant seeking to set aside an ex parte decree dated



17.12.2024 has been allowed by the learned Trial Court.

3.1 By the Impugned Order, the learned Trial Court, after giving a finding that the process server report of 11.03.2024 sets out that there is no such person residing at the address, has set aside the ex parte decree finding that no proper service was effected.

4. After some arguments, learned Counsel for the Petitioner seeks and is granted permission to withdraw the present Petition.

5. The present Petition is accordingly dismissed as withdrawn. The pending Application also stands closed.

6. It is however clarified that neither party will take any unnecessary adjournments before the learned Trial Court and the timelines as set out by the learned Trial Court for completion of pleadings shall be adhered to by both the parties.

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

TARA VITASTA GANJU, J

AUGUST 18, 2025/ ha