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

+ **C.R.P. 270/2025**

VINAY GUPTA AND ANR

.....Petitioners

Through: Mr. Abhimanyu Tewari, Mr.
Manav Bhalla and Ms. Sujata
Piplani, Advocates

versus

AJAY KUMAR GUPTA & ORS.

.....Respondents

Through: Mr. Rahul Malhotra and Ms. Sneha
Agarwal, Advocates for R-1 and 2
Ms. Kritika Gupta and Ms. Vidushi
Singhania, Advocates for R-
3/DDA (VC)

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **11.11.2025**

CM APPL. 60239/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**C.R.P. 270/2025, CM APPL. 60238/2025 (for stay) & CM APPL.
60240/2025 (for condonation of 12 days' delay in filing the appeal)**

1. The petitioner, who is defendant No. 3 in CS DJ 1603/2018, pending before the learned District Judge, South-East, Saket, assails order dated 07.05.2025, by which his application under Order VII Rule 10 of the Code of Civil Procedure, 1908 ["CPC"], was rejected by the Trial Court.

2. The suit has been filed by the respondents Nos. 1 and 2 herein for



declaration and injunction in respect of an immovable property bearing No. A-232, Okhla Industrial Area, Phase-1, New Delhi.

3. The contention of the petitioner herein turns on a question of valuation of the suit for the purposes of jurisdiction. However, the Trial Court has held that this very question had already been adjudicated on consideration of an application under Order VII Rule 11 of CPC, which was rejected on 24.03.2022. The said order dated 24.03.2022 notes that the petitioner had contended that the suit had not been properly valued for the purposes of court fee and jurisdiction. Upon dismissal of the application, the petitioners approached this Court in revision by way of C.R.P. 55/2022, which was dismissed by a judgment dated 21.08.2025.

4. Mr. Abhimanyu Tewari, learned counsel for the petitioner, states that the petitioner is in the process of filing a special leave petition against the judgment of this Court dated 21.08.2025.

5. For the present, however, it is undisputed that the fate of both the applications - under Order VII Rule 10 of CPC and under Order VII Rule 11 of CPC, turn on the same underlying argument that the suit has been undervalued. This argument has already been repelled by the Trial Court, which has been upheld by this Court.

6. Learned counsel for the parties therefore concur that this revision petition may be disposed of, without prejudice to the rights and contentions of the parties before the Supreme Court, in the event a special leave petition is filed. In the event, the petitioner succeeds in the proposed proceedings before the Supreme Court, it will be open to the petitioner to file a fresh application pertaining to the question of jurisdiction, before the Trial Court.



7. Accordingly, the present petition, alongwith pending applications, stands disposed of in the aforesaid terms, without prejudice to the rights and contentions of the parties. All rights and contentions are left open.

PRATEEK JALAN, J

NOVEMBER 11, 2025

Dy/AD/