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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(COMM) 574/2025 & CM APPL. 63926/2025 CM APPL.
63927/2025 CM APPL. 63928/2025 CM APPL. 63929/2025 CM
APPL. 63930/2025 CM APPL. 63947/2025.
DHIRENDER SINGHAPPELLANT

Through: Mr. Sanjeev Sehgal, Mr. Sunita
Choubey, Ms. Himanshi Chauhan,
Mr. Anshu Kumar Mishra, Mr.
Vershit Singh, Advocates.

versus

AJAY CHAUDHARYRESPONDENT

Through: None.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

10.10.2025

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1. Amongst other contentions, counsel for appellant/Judgement Debtor contends that the impugned judgement and decree dated 27th November 2024 has been obtained by the respondent/Decree Holder by practising fraud on the Court, as also on the present appellant/original defendant.
2. The fact reflected from the impugned judgment is that the defence of appellant/Judgement Debtor was struck off.
3. Counsel for appellant/Judgement Debtor has tried to claim that he be permitted to file his Written Statement by setting aside the impugned judgment and decree and ordering a fresh trial in wake of the medical ailment that he was suffering from.
4. As far as the contention of appellant/Judgement Debtor that the impugned judgement and decree was obtained by fraud is concerned, we are required to be sensitive to the scope of appellate jurisdiction.



5. This Court cannot travel beyond the material that was available before ld. Trial Court, while deciding the suit in question.
6. It is always open for the appellant/Judgement Debtor to demonstrate that the decree was obtained by practising fraud on the Courts, as also on the appellant/Decree Holder by taking recourse to such remedy, as is permissible and available in law.
7. In that view of the matter, if we appreciate the impugned judgment and decree, which is under challenge, the same is based on an appreciation of the material which was brought before the Trial Court. Since the contentions were not controverted before Trial Court, impugned judgment and decree cannot be faulted by observing that the appellant/Judgement Debtor was not granted a reasonable opportunity.
8. That being so, we see no reason to cause interference in the impugned judgment and decree; as such, the present appeal stands dismissed.
9. Pending applications are rendered infructuous.
10. Needless to clarify, it shall be always open for the appellant/Judgement Debtor to take recourse to such remedy, before the competent court, for setting aside the impugned decree, which he alleges is obtained by practising fraud.
11. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

OCTOBER 10, 2025/ak/sp