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

+ **CM(M) 47/2025**

M S CMS COMPUTERS LTD

.....Petitioner

Through: Mr. Lalitaksh Joshi and Ms. Ananya
Saraogi, Advocates.

versus

MR SHASHI PRAKASH CHOPRA & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

14.01.2025

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CM APPL. 1756/2025, CM APPL. 1757/2025 (exemptions)

Allowed, subject to all just exceptions.

These applications stand disposed of.

CM(M) 47/2025 & CM APPL. 1755/2025 (stay)

1. By filing the present petition under Article 227 of the Constitution of India, the petitioner is seeking recall/setting aside of the order dated 26.11.2024, passed by the learned District Judge.
2. Respondent No. 1 filed a civil suit for arrears of rent with interest against the petitioner and respondent No. 2. Petitioner filed Written Statement ['WS'] with delay, and therefore, the WS was not taken on record and defence was struck off.
3. Petitioner, thereafter, filed an application before the Trial Court for placing on record indemnity agreement, as per which, respondent No. 2



agreed to indemnify the petitioner for liability that may arise out of underlying suit. However, such application has been dismissed by the learned Trial Court primarily on the ground that defence of the petitioner is not on record, and therefore, the petitioner cannot bring on record any facts, including the agreement.

4. Learned counsel for petitioner submits that he has already filed a petition under Article 227 of the Constitution of India against the order of striking off his defence, passed by the Trial Court. He further submits that the indemnity agreement is an important document, which is relevant for the purpose of adjudication of the suit.

5. After part submissions, learned counsel seeks permission to withdraw the present petition with liberty to file the same at an appropriate stage.

6. The statement made by the learned counsel is taken on record and petition is dismissed a withdrawn with liberty as prayed.

RAVINDER DUDEJA, J

JANUARY 14, 2025/vp