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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 873/2015 & CM APPL. 20181/2015 & CM APPL.
44545/2017
ASHOK KUMAR SOOD (SINCE DECEASED THR LR)

.....Petitioner

Through: Mr. Mukesh Goel and Ms. Priya,
Advocates

versus

PRAVEEN SOOD & ORS

.....Respondent

Through: Mr. Ravi Chawla, Ms. Arsheiya
Munjal and Mr. Daksh Tikoo,
Advocates for R-1, R-2 & R-3
Mr. Ajay Kohli and Ms. Dipika
Prasad, Advocates for R-4

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

08.07.2025

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1. Petitioner is aggrieved by the dismissal of his application moved under Order VII Rule 11 CPC.
2. Mr. Mukesh Goel, learned counsel for petitioner, however, submits that a *preliminary issue* was also framed by the learned Trial Court and the learned Trial Court has heard arguments on such *preliminary issue* and matter is now fixed for orders on such preliminary issue. He submits that in view of the above, at the moment, he does not press his present petition. He, however, submits that in case the preliminary issue is answered against him, he may be given liberty to challenge the same, in accordance with law.
3. Learned counsel for respondents/plaintiffs submits that when the learned Trial Court had taken up application moved under Order VII Rule 11

CM(M) 873/2015

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CPC, it disposed of the same while holding that the aspects raised in the aforesaid application could be effectively adjudicated only once the parties were granted opportunities to lead their respective evidence. He submits that in view of the above, the preliminary issue cannot be answered, without there being due opportunity of leading evidence to both the parties.

4. Be that as it may, since Mr. Mukesh Goel, learned counsel for petitioner submits that learned Trial Court has already heard arguments on the legal/preliminary issue and the matter is reserved for orders, the present petition is permitted to be withdrawn.

5. Petition stands disposed of as withdrawn. Liberty, as prayed, is granted.

6. All the rights and contentions of the parties are, however, reserved.

7. It is also clarified that this Court has not given any observation, either way, with respect to the assertions raised in the present petition.

MANOJ JAIN, J

JULY 8, 2025/dr/shs