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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 11/2025 & CM APPL. 5078/2025**
AMENA BALAppellant

Through: Mr. Saurabh Kirpal, Sr. Adv. with Mr.
Himanshu Sharma, Ms. Khushi Jain,
Mr. Junaid Aamir, Advs.

versus

AMINDER SINGH BALRespondent

Through: Mr. Vikrant Pachnanda and Mr.
Mukul Katyal, Advs.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **30.04.2026**

1. The present appeal has been filed on behalf of the original plaintiff (appellant herein) in CS (OS) No. 488/2022 under Order XLIII (1)(r) of Code of Civil Procedure, 1908 ('CPC') read with Section 10 of the Delhi High Court Act, 1966 assailing the judgment and order dated 30.12.2024 ('Impugned Judgment') passed in CS (OS) 488/2022 dismissing IA No. 13004/2022 and IA No. 9353/2023 and consequently vacating the *ex-parte ad-interim* order dated 22.08.2022 and issuing further directions regarding payment of court fee and maintainability of suit under Order VII Rule 11 (a) of CPC.

2. Heard learned counsel for the parties.

3. Learned counsel for the parties agree that Impugned order is passed on an application under Order XXXIX Rules 1 and 2 of CPC and only pertains to an interim stage; and any observation made therein cannot impact the hearing of the suit at the final stage which would take place after the parties have



adduced their evidence.

4. Learned counsel for the parties further agree that any observation made with regard to the court fees in the Impugned order would also not come in the way as the same ought to be decided when a hearing is given by the Court under Order VII Rule 11 to the plaintiff, as the said issue is also covered under Order VII Rule 11 (b) of CPC.

5. Learned senior counsel for the appellant submits that the appeal may be disposed off with the aforesaid clarifications.

6. In view of the statement made by the learned counsel for the parties, the appeal stands disposed with the aforesaid clarifications.

7. Pending applications, if any, also stand disposed of.

VIVEK CHAUDHARY, J

RENU BHATNAGAR, J

APRIL 30, 2026/r/tr