



2026:DHC:2079



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 12th March, 2026***

+ CM(M) 2129/2024 & CM APPL. 16095/2024

NEERAJ

.....Petitioner

Through: Mr. Vinod Malhotra, Advocate.

versus

DEEPAK GUPTA

.....Respondent

Through: Ms. Saloni Uppal, Advocate.

CORAM:**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER (Oral)****Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed under Article 227 of the Constitution of India, by the petitioner/defendant, assailing the order dated 26th February, 2024 passed by the learned Trial Court in Civil DJ No. 46/2019, with the following prayers:

"It is therefore prayed that the impugned order dated 26.02.2024 of dismissing the application U/O 9 Rule 7 may please be set aside and consequently order dated 22.01.2024 of ex parte proceedings against the defendant/applicant may also be set aside and the defendant/applicant be allowed to join the proceedings and contest the suit and cross examine the plaintiff and his witnesses."

3. Heard. Record perused.
4. At the outset, learned Counsel for the respondent/plaintiff submitted that the respondent has no objection if the present petition is allowed and the



2026:DHC:2079



impugned *ex-parte* order dated 22nd January, 2024 is set aside and the plaintiff be cross examined, subject to payment of exemplary costs.

5. In view of the submission made by the learned Counsel for the respondent, the impugned *ex-parte* order dated 22nd January, 2024 is hereby set aside, subject to a payment of costs of Rs. 15,000/- to the respondent.

6. It shall be open to the learned Trial Court to allow the cross-examination the plaintiff on the date already fixed or on any other date convenient to the learned Trial Court.

7. Accordingly, the present petition is disposed of in the above-stated terms. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

MARCH 12, 2026/nd/abk