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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 187/2026**

RAKESH SHARMA & ANR

.....Appellants

Through: Mr. Sandeep Sharma, Senior Advocate with Mr. Amit Choudhary, Ms. Kavya Dauk, Ms. Himani Bhardwaj and Mr. Tarun Khanna, Advocates.

versus

ARUNA SHARMA & ORS.

.....Respondents

Through: Mr. Sanjay Gupta, Mr. S. Thakur and Mr. Surya Pratap Singh Chuahan, Advocates for respondent nos. 1 and 2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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03.07.2026

CM APPL. 40404/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

FAO 187/2026 & CM APPL. 40403/2026 (interim relief)

1. By way of present appeal filed under Section 104 read with Order XLIII Rule 1 (S) read with Section 151 of the Code of Civil Procedure, 1908 (CPC), the appellants seek to assail the orders dated 22.05.2026 and 30.05.2026 passed by the learned District Judge-01, Patiala House Courts, New Delhi in CS No.662/2025.
2. Issue notice.
3. Notice is accepted by learned counsel for respondent nos. 1 and 2.
4. At the outset, Mr. Sandeep Sharma, learned Senior Counsel appearing



for the appellants, submits that the impugned orders have caused grave prejudice as they were passed without the written statement/reply of the appellants/defendants being on record. He further states, upon instructions, that if given an opportunity, the written statement/reply would be filed today itself.

5. Learned counsel appearing for respondent nos. 1 and 2 states, upon instructions, that he has no objection if the application under Order XXXIX Rules 1 and 2 CPC is considered afresh by the learned Trial Court provided the appellants file the written statement/reply in time as undertaken.

6. Mr. Sharma, learned Senior counsel states that the appellants had earlier approached this Court by way of CM(M) No. 1318/2026, which was listed before the Coordinate Benches of this Court on 29.06.2026 and 01.07.2026. Vide order dated 29.06.2026, the operation of the impugned orders was stayed till the next date of hearing, and on 01.07.2026, the stay was directed to continue for a further period of two days.

7. In light of the aforesaid submissions and the peculiar facts relating to the *bari*, in case, the appellants file their written statement/reply today itself before the trial court as undertaken with copy to the other side, let the application under Order XXXIX Rules 1 and 2 CPC be considered afresh on 04.07.2026 in accordance with law. Subject to above, the interim order dated 01.07.2026 passed in CM(M) No. 1318/2026 shall continue to operate till 04.07.2026.

8. Needless to state that this Court has not gone into the merits of the contentions raised by either of the parties.

9. The appeal along with pending application is disposed of in above terms.



10. ***DASTI***, under the signatures of the Court Master.

JULY 3, 2026/rd

MANOJ KUMAR OHRI, J