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

\# **CNR No. DLHC010532532026**

\+ LPA 890/2026 & CM APPL. 76660/2026, CM APPL. 76661/2026 CM APPL. 76662/2026, CM APPL. 76663/2026, CM APPL. 76664/2026, CM APPL. 76665/2026

VIJAY KUMAR AGARWAL .....Appellant

Through: Appellant in person.

versus

SHRI PRATAP SINGH & ANR. .....Respondents

Through: Mr Hirein Sharma and Mr. Saurabh Goel, Advocates for R-2.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY SHARMA

O R D E R

% 03.11.2026

1. An objection is raised to the maintainability of the present Letters Patent Appeal by the learned counsel appearing for the respondents by relying upon the judgment of the Hon'ble Apex Court delivered in the matter of ***Shah Babulal Khimji v. Jayaben D. Kania & Anr., (1981) 4 SCC 8***, so as to urge that the impugned order dated 19th December, 2025 passed by the learned Single Judge, which is an interim order, does not fall within the definition of "*judgment*".

2. In the aforesaid background, the party-in-person, has invited our attention to the Certificate of Maintainability, which reads as under:

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> " ***CERTIFICATE OF MAINTAINABILITY***
> *Certified that the accompanying Letters Patent Appeal (LPA) is fully maintainable under Clause 10 of the Letters Patent of the High Court of Lahore (as applicable to the Hon'ble High Court of Delhi). The Appellant is a Respondent-in-Person directly aggrieved by Paragraph 20 of the interim direction dated* ***19.12.2025*** *passed by the Learned Single Judge in* ***CM(M) No. 3/2023****.*
> *Intra-court appeal lies because the impugned direction is purely administrative and regulatory in character, directly altering the operations of the Scrutiny Registry and rewriting the statutory Delhi High Court e-Filing Rules, 2021, thereby satisfying the exceptional maintainability standards established by the Supreme Court* ***in Radhey Shyam (2015) and Jogendrasinhji (2015).*** *It is further certified that no other identical appeal has been preferred against the same direction."*

3. According to him, the intra-court appeal under Clause 10 of the Letters Patent is maintainable as the directions issued by the learned Single Judge are administrative in nature and that such directions run contrary to the *Delhi High Court e-Filing Rules, 2021*.

4. We have considered the aforesaid submissions.

5. The fact remains that in paragraph 20 of the impugned order dated 19th December, 2025, the learned Single Judge has made the following observations:

> *"20. This Court notes that this applicant/respondent has been routinely filing applications which are not supported with notarized/attested affidavits. The applications are routinely filed with application seeking permanent exemption from filing notarized/attested affidavits. The relief of exemption from filing notarized/attested affidavits sought in these applications are contrary to law. The registry is directed to not list applications which are not supported by notarized/attested affidavits."*

6. The learned Single Judge *vide* the said order dated 19th December, 2025, has directed the appellant/party-in-person to follow the procedure as

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contemplated for filing the applications through notarised/attested affidavits.

7. The Hon'ble Supreme Court in its judgment delivered in the matter of ***Shah Babulal Khimji(supra)*** defined the scope and meaning of interlocutory orders which amount to "*judgment*" and it was observed as under:

> *"113. Thus, under the Code of Civil Procedure, a judgment consists of the reasons and grounds for a decree passed by a court. As a judgment constitutes the reasons for the decree it follows as a matter of course that the judgment must be a formal adjudication which conclusively determines the rights of the parties with regard to all or any of the matters in controversy. The concept of a judgment as defined by the Code of Civil Procedure seems to be rather narrow and the limitations engrafted by sub-section (2) of Section 2 cannot be physically imported into the definition of the word "judgment" as used in clause 15 of the letters patent because the letters patent has advisedly not used the terms "order" or "decree" anywhere.* ***The intention, therefore, of the givers of the letters patent was that the word "judgment" should receive a much wider and more liberal interpretation than the word "judgment" used in the Code of Civil Procedure. At the same time, it cannot be said that any order passed by a trial Judge would amount to a judgment; otherwise there will be no end to the number of orders which would be appealable under the letters patent. It seems to us that the word "judgment" has undoubtedly a concept of finality in a broader and not a narrower sense.*** *In other words, a judgment can be of three kinds:*
>
> > *(1) A final judgment.— A judgment which decides all the questions or issues in controversy so far as the trial Judge is concerned and leaves nothing else to be decided. This would mean that by virtue of the judgment, the suit or action brought by the plaintiff is dismissed or decreed in part or in full. Such an order passed by the trial Judge indisputably and unquestionably is a judgment within the meaning of the letters patent and even amounts to a decree so that an appeal would lie from such a judgment to a*

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Division Bench.

(2) A preliminary judgment.—This kind of a judgment may take two forms—(a) where the trial Judge by an order dismisses the suit without going into the merits of the suit but only on a preliminary objection raised by the defendant or the party opposing on the ground that the suit is not maintainable. Here also, as the suit is finally decided one way or the other, the order passed by the trial Judge would be a judgment finally deciding the cause so far as the Trial Judge is concerned and therefore appealable to the larger Bench. (b) Another shape which a preliminary judgment may take is that where the trial Judge passes an order after hearing the preliminary objections raised by the defendant relating to maintainability of the suit, e.g., bar of jurisdiction, res judicata, a manifest defect in the suit, absence of notice under Section 80 and the like, and these objections are decided by the trial Judge against the defendant, the suit is not terminated but continues and has to be tried on merits but the order of the trial Judge rejecting the objections doubtless adversely affects a valuable right of the defendant who, if his objections are valid, is entitled to get the suit dismissed on preliminary grounds. Thus, such an order even though it keeps the suit alive, undoubtedly decides an important aspect of the trial which affects a vital right of the defendant and must, therefore,be construed to be a judgment so as to be appealable to a larger Bench.

***(3) Intermediary or interlocutory judgment**.— Most of the interlocutory orders which contain the quality of finality are clearly specified in clauses (a) to (w) of Order 43 Rule 1 and have already been held by us to be judgments within the meaning of the letters patent and, therefore, appealable. There may also be interlocutory orders which are not covered by Order 43 Rule 1 but which also possess the characteristics*

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and trappings of finality in that, the orders may adversely affect a valuable right of the party or decide an important aspect of the trial in an ancillary proceeding. Before such an order can be a judgment the adverse effect on the party concerned must be direct and immediate rather than indirect or remote. For instance, where the trial Judge in a suit under Order 37 of the Code of Civil Procedure refuses the defendant leave to defend the suit, the order directly affects the defendant because he loses a valuable right to defend the suit and his remedy is confined only to contest the plaintiff's case on his own evidence without being given a chance to rebut that evidence. As such an order vitally affects a valuable right of the defendant it will undoubtedly be treated as a judgment within the meaning of the letters patent so as to be appealable to a larger Bench. Take the converse case in a similar suit where the trial Judge allows the defendant to defend the suit in which case although the plaintiff is adversely affected but the damage or prejudice caused to him is not direct or immediate but of a minimal nature and rather too remote because the plaintiff still possesses his full right to show that the defence is false and succeed in the suit. Thus, such an order passed by the trial Judge would not amount to a judgment within the meaning of clause 15 of the letters patent but will be purely an interlocutory order. Similarly, suppose the trial Judge passes an order setting aside an ex parte decree against the defendant, which is not appealable under any of the clauses of Order 43 Rule 1 though an order rejecting an application to set aside the decree passed ex parte falls within Order 43 Rule 1 clause (d) and is appealable, the serious question that arises is whether or not the order first mentioned is a judgment within the meaning of letters patent. The fact, however, remains that the order setting aside the ex parte decree puts the defendant to a great advantage and

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> *works serious injustice to the plaintiff because as a consequence of the order, the plaintiff has now to contest the suit and is deprived of the fruits of the decree passed in his favour. In these circumstances, therefore, the order passed by the trial Judge setting aside the ex parte decree vitally affects the valuable rights of the plaintiff and hence amounts to an interlocutory judgment and is therefore, appealable to a larger Bench."*
>
> *114. In the course of the trial, the trial Judge may pass a number of orders whereby some of the various steps to be taken by the parties in prosecution of the suit may be of a routine nature while other orders may cause some inconvenience to one party or the other, e.g., an order refusing an adjournment, an order refusing to summon an additional witness or documents, an order refusing to condone delay in filing documents, after the first date of hearing an order of costs to one of the parties for its default or an order exercising discretion in respect of a procedural matter against one party or the other. Such orders are purely interlocutory and cannot constitute judgments because it will always be open to the aggrieved party to make a grievance of the order passed against the party concerned in the appeal against the final judgment passed by the trial Judge.*
>
> *115.* ***Thus, in other words every interlocutory order cannot be regarded as a judgment but only those orders would be judgments which decide matters of moment or affect vital and valuable rights of the parties and which work serious injustice to the party concerned.*** *Similarly, orders passed by the trial Judge deciding question of admissibility or relevancy of a document also cannot be treated as judgments because the grievance on this score can be corrected by the appellate court in appeal against the final judgment."*

8. Thus, such order, in our opinion, cannot be termed as a "*judgment*" so as to make the present appeal maintainable.

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9. Even otherwise, just because the party-in-person/appellant is a senior citizen and is ailing**,** that, by itself, cannot give him the leverage to make submissions that his applications which are not supported with the notarised/attested affidavits have to be entertained.

10. The appeal, thus, lacks merit and is also not maintainable. Accordingly, the appeal is dismissed.

11. Pending applications, if any, stand disposed of.

NITIN WASUDEO SAMBRE, ACJ

SANJAY SHARMA, J

NOVEMBER 3, 2026/*UK/GS*

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