

(2025) 09 DEL CK 0750

In the Delhi High Court

Case No : FAO(OS) (COMM) 148 Of 2025, Civil Miscellaneous Application Nos. 60525, 60526, 60527 Of 2025

Sunil Kumar Seth & Anr

APPELLANT

Vs

Malti Gupta

RESPONDENT

Date of Decision : 23-09-2025

Acts Referred:

Code of Civil Procedure, 1908 — Order 39 Rule 1, Order 39 Rule 2, Order 39 Rule 4

Citation : (2025) 09 DEL CK 0750

Hon'ble Judges : C. Hari Shankar, J;Om Prakash Shukla, J

Bench : Division Bench

Advocate : Shailen Bhatia, Deeksha Gulati, Meenakshi Ogra, Tarun Khurana, Rajat Sabu, Ritvik Jha, Chhavi Dande

Final Decision : Disposed Of

Judgement

C.Hari Shankar, J

1. This appeal, at the instance of the defendant in CS (COMM) 604/2025, presently pending before a learned Single Judge of this Court, assails an order passed by the learned Single Judge on 30 May 2025, allowing IA 14612/2025 filed by the respondent under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 'CPC'.

2. During the course of hearing, Mr. Shailen Bhatia, learned Counsel for the appellant submits that an application filed by his client under Order XXXIX Rule 4 of the CPC in CS (COMM) 604/2025 is coming up before the learned Single Judge on 8 October 2025.

3. He submits that this appeal may be disposed of with a direction that the respondent would not seek any adjournment on the said date and that the respondent would file its reply to the application under Order XXXIX Rule 4 of CPC within a time fixed by this Court.

4. Ms. Meenakshi, learned Counsel for the respondent, has no objection to this course of action.
5. Accordingly, we direct the respondent to file its reply to IA 14612/2025 positively within three days from today i.e. on or before 27 September 2025. Rejoinder thereto, if any, may be filed by the appellants within a week therefrom.
6. Learned Counsel for the parties would not seek any adjournment from the learned Single Judge in IA 14612/2025 which is listed on 8 October 2025.
7. Needless to say, we have not entered any observation on the merits of the matter.
8. Either side, if it continues to remain aggrieved by the orders passed by the learned Single Judge, would have its remedies reserved in law.
9. The petition is disposed of as aforesaid.