

PREMVATI SHARMA Vs. ANJALI DHAMEJA

28.03.2026

Present: Sh. Rahul Malhotra and Ms. Sneha Aggarwal,
counsel for the plaintiff.
Sh. Lubhash Kumar, Counsel for the defendant with
defendant.

Counsel for the defendant presses his application
dated 08.01.2026 for setting aside ex-parte order dated 21.07.2025.

FIRST ARGUMENT

1. Counsel for the defendant argues that on 21.07.2025, defendant could not appear as her husband is suffering in multiple organs. Further, brother of the defendant Sh. Manoj Kapur was ill. He even died on 20.11.2025. Defendant was in mental trauma and thus, she could not appear due to ill health of her husband and her brother.

2. Per contra, counsel for the plaintiff contends that defendant was duly served on 20.03.2025 at her address i.e. R/o – E- 3/8, Second Floor, Sector – 11, Rohini, Delhi – 110085.

3. It is further argued by the Counsel for plaintiff that medical document of the husband of the defendant at page no.7 of the application dated 26.11.2025 is after the order proceeding the defendant ex-parte dated 21.07.2025.

4. It is further argued by the Counsel for plaintiff that medical documents at page no.9 of the application pertains to husband of the defendant. Same is dated 26.01.2025 which is before the filing of the suit and it is mentioned therein that there is no chronic illness.

5. It is further argued by the Counsel for plaintiff that documents at page no.11 to 15 are also dated 13.01.2025 and 08.01.2025 which is prior to the suit.

6. It is further argued by the Counsel for plaintiff that document at page no.20 of the documents pertains to brother of the defendant. Same shows that the brother of the defendant was admitted on 23.10.2025 which is after the order dated 21.07.2025 vide which, defendant was proceeded ex-parte.

7. It is further argued by the Counsel for plaintiff that even date of death of brother of the defendant is of 20.11.2025 which is after the order dated 21.07.2025 vide which, defendant was proceeded ex-parte.

8. It is further argued by the Counsel for plaintiff that the defendant was active on Facebook even on 20.07.2025 as is clear from the Post which have been put up on Facebook. Copy of the same has been supplied to counsel opposite and placed on record.

9. It is further argued by the Counsel for plaintiff that the brother of defendant was admitted in hospital on 23.10.2025 and even on the same day, the defendant was active on Facebook. Post at page no.16 of the Facebook Post which have been filed, is relied upon.

10. It is further argued by the Counsel for plaintiff that the story of alleged mental trauma projected in paragraph 4 of the application u/o 9 rule 7 CPC is false as the Facebook Posts point to the contrary.

11. It is further argued by the Counsel for plaintiff that defendant was proceeded ex-parte on 21.07.2025. Case was posted for ex-parte PE for 13.11.2025. Present application has been filed u/o 9 rule 7 CPC only on 06.01.2026.

12. It is further argued by the Counsel for plaintiff that the defendant is at liberty to address oral arguments and participate from this stage. Only turning the clock back, is opposed.

13. Heard. File perused.

14. Perusal of the file shows that plaintiff is seeking possession, permanent injunction, recovery of arrears of rent and mesne profits from the defendant. Suit property is E – 3/8, Second Floor, Sector – 11, Rohini, Delhi – 110085.

FINDINGS ON FIRST ARGUMENT

15. Submissions on behalf of defendant that on 21.07.2025, defendant could not appear as her husband is suffering in multiple organs. Further, brother of the defendant Sh. Manoj Kapur was ill. He even died on 20.11.2025. Defendant was in mental trauma and thus, she could not appear due to ill health of her husband and her brother and thus, ex-parte order dated 21/07/2025 be set aside are without merits. These submissions are rejected as :

16. Perusal of record shows that defendant was duly served on 20.03.2025 at her address i.e. R/o – E- 3/8, Second Floor, Sector – 11, Rohini, Delhi – 110085.

17. Perusal of record shows that medical document of the husband of the defendant at page no.7 of the application dated 26.11.2025 is after the order proceeding the defendant ex-parte dated 21.07.2025.

18. Perusal of record shows that medical documents at page no.9 of the application pertains to husband of the defendant. Same is dated 26.01.2025 which is before the filing of the suit and it is mentioned therein that there is no chronic illness.

19. Perusal of record shows that documents at page no.11 to 15 are also dated 13.01.2025 and 08.01.2025 which is prior to the filing of the suit.

20. Perusal of record shows that document at page no.20 of the documents pertains to brother of the defendant. Same shows that the brother of the defendant was admitted on 23.10.2025 which is after the order dated 21.07.2025 vide which, defendant was proceeded ex-parte.

21. Perusal of record shows that even date of death of brother of the defendant is of 20.11.2025 which is after the order dated 21.07.2025 vide which, defendant was proceeded ex-parte.

22. Perusal of record shows that the defendant was active on Facebook even on 20.07.2025 as is clear from the Post which have been put up on Facebook. Copy of the same has been supplied to counsel opposite and placed on record.

23. Perusal of record shows that brother of defendant was admitted in hospital on 23.10.2025 and even on the same day, the defendant was active on Facebook. Post at page no.16 of the Facebook Post which have been filed, is relied upon.

24. Perusal of record shows that story of alleged mental trauma projected in paragraph 4 of the application u/o 9 rule 7 CPC is false as the Facebook Posts point to the contrary.

25. Perusal of record shows that defendant was proceeded ex-parte on 21.07.2025. Case was posted for ex-parte PE for 13.11.2025. Present application has been filed u/o 9 rule 7 CPC only on 06.01.2026.

26. Application dated 08.01.2026 for setting aside ex-parte order dated 21.07.2025, is dismissed. However, defendant is at liberty to address oral arguments and participate from this stage onwards. Only turning the clock back to the stage as it existed on 21.07.2025, is rejected as it will further delay the proceedings. No good cause for previous non-appearance has been shown. It is clear that present application at this stage when the case is at the stage of final arguments has been moved only to delay the proceedings.

27. Now to come up for ex-parte arguments on 11.08.2026.

(VIKRAM BALI)
DISTRICT JUDGE-02/NORTH/ROHINI
DELHI/28/03/2026