

7 CS DJ 948/25

MOHD ALI QURESHI Vs. KAMAL BHATIA

09.12.2025

Present: Sh. Zaid Qureshi, Ld. proxy counsel for Sh. S.S. Nizamin, Ld Counsel for plaintiff.
Sh. Manak Budhiraja, Ld. counsel for defendant along with son of the defendant.

The perusal of the record shows that the matter has been pending for addressing arguments on the application of the plaintiff under Order XXXIX Rule 1 & 2 CPC.

At this stage, an application under Order VII Rule 11 and Section 10 and Section 151 CPC has been filed on behalf of the defendant. The same is stated to have been E-filed also on 09.12.2025 i.e. today only and the corresponding E-filing no. has been mentioned on the index. Reader is directed to verify the same. Subject to verification same is taken on record. Copy supplied today.

Having perused the application, this Court is of the considered view that no grounds are made out for rejection of the plaint under Order VII Rule 11 CPC. Accordingly, no further consideration is required on that aspect.

However, since the application also seeks relief under Section 10 CPC, the plaintiff is directed to file a reply strictly confined to the prayer under Section 10 CPC. Let the reply, if any, be filed on or before the next date of hearing, with an advance copy supplied to the opposite party well before the said date.

This Court is also of the considered opinion that, as the defendant has invoked Section 10 CPC seeking a stay of the present proceedings, such an application must be adjudicated as a threshold issue, prior to taking up the plaintiff's application under Order XXXIX Rule 1 & 2 CPC. The determination of the Section 10 application will have a direct bearing on whether the suit proceedings, including consideration of interim relief, can at all continue.

Accordingly, the matter is now listed for arguments on the application under Section 10 CPC on **05.01.2026**.

(NEERAJ SHARMA)
District Judge-04(Central)
Tis Hazari Courts Delhi
09.12.2025