

4 CS DJ 895/25
Rahul Aggarwal Vs. Preeti Bansal

29.10.2025

Present : Ld. Counsel for plaintiff.
Ld. counsel for defendant no.2.

Neither WS on behalf of the defendant no. 1 stands filed nor anyone is appearing on behalf of the defendant no.1 despite already being served as per the order sheet dated 09.09.2025.

Accordingly, the defence of defendant no.1 stands **struck of**.

As far as defendant no. 2 is concerned, WS along with the reply to the application under Order 39 Rule 1 and 2 along with another application under order 8 Rule 1 CPC with affidavit of admission and denial of certain documents stands filed on behalf of defendant no.2. Copy stands supplied to the plaintiff.

As far as the application under Order 8 Rule 1 CPC moved on behalf of defendant no.2 is concerned, submission stands heard from both the sides. In view of the above, this Court deems it fit to allow the present application without imposition of any cost, in the interest of Justice.

Accordingly, application under Order 8 Rule 1 CPC moved on behalf of the defendant no.2 seeking condonation of delay stands allowed and the delay stands condoned.

Argument on the application moved under Order 39 Rule 1 and 2 also stands heard from the side of the plaintiff and defendant no. 2.

At the outset it is submitted by the Ld. Counsel for defendant no. 1 and 2 that the suit is not maintainable before this Court

being barred by the provisions of Section 2(c)(Vii) of Commercial Court Act, 2015.

By virtue of the present application under Order 39 Rule 1 and 2, plaintiff is seeking to restrain the defendant no.1 from creating any third party interest qua the suit property.

As far as defendant no.2 is concerned, this Court has put a query to the Ld. Counsel for the defendant no.2 as to whether D2 wants to create any third party interest qua the suit property during the pendency of the suit to which he replied in negative and accordingly, he was directed to record the statement in this respect, to which Ld. Counsel for defendant no.2. seek sometime to consult his client who is also present in the Court and accordingly, the matter was passed over for 15 minutes as requested.

After consulting his client, Ld. Counsel for defendant no.2 submitted that let the application be decided on merits as his client is not ready to make a statement qua the relief sought by the plaintiff via application in hand.

Accordingly, in the circumstances, put up for order on the point of maintainability as well as for orders on the application under Order 39 Rule 1 and 2 if Court comes to the conclusion that the suit is maintainable on 12.11.2025.

(Vinay Singhal)
District Judge-09 (Central)
Tis Hazari Courts, Delhi.
29.10.2025(hk)