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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1177/2023, CM APPL. 41272/2023 & CM APPL. 37868/2023**

SH. AMIT MUDGAL

.....Petitioner

Through: Mr. P.K. Rawal, Mr. Amit Kumar and
Mr. Tarun Agarwal, Advocates

versus

SH SANJAY GUPTA (HUF)

.....Respondent

Through: Mr. Sunil Dutt Dixit, Mr. Swarup Raj
and Ms. Durga Bhardwaj, Advocates

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

28.10.2025

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1. The petitioner has assailed order dated 19.05.2023 passed by the learned trial court under Order XV-A CPC. One of the major contentions raised on behalf of the petitioner/defendant is that in a suit under Section 6 of the Specific Relief Act, the plaintiff cannot seek damages/*mesne* profits. In this regard, learned counsel for respondent/plaintiff today contended that although relief of damages cannot be claimed in a suit under Section 6 of the Act, but there is no bar as regards application under Order XV-A CPC. However, learned counsel for respondent seeks time to examine as to whether a relief which cannot be taken as main relief in plaint can be sought as an interim relief in an application.

2. Further, it is informed by both sides that after last adjournment, the petitioner/defendant filed an application before the trial court seeking to



amend the written statement to take a plea on the issue of maintainability of relief of damages in a suit under Section 6 of the Act. On the other hand, the respondent/plaintiff also has filed an application seeking to amend the plaint and dropped the relief of damages from suit.

3. It is against this backdrop that at request of learned counsel for respondent, the matter is being adjourned. However, it is directed that till next date, operation of the impugned order shall remain stayed.

4. Relist on 02.03.2026 in Advance List.

GIRISH KATHPALIA, J

OCTOBER 28, 2025

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