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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1455/2025 & CM APPL. 47874-47875/2025**
RAKESH VERMA

.....Petitioner

Through: Mr. Kunal Mittal and Ms. Rishika,
Advocates.

versus

JASVINDER KAUR WALIA

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
18.08.2025

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1. Petitioner is defending a suit which is commercial in nature.
2. During the pendency of the abovesaid suit, learned Trial Court passed order under Order XXXIX Rule 10 CPC on 04.03.2025.
3. The abovesaid order was a composite one, as summary judgment under Order XIII-A CPC was also rendered in favour of the plaintiff and defendant was directed to handover the possession of the tenanted premises to the plaintiff.
4. Such order was challenged by the defendant by filing a *Regular First Appeal*, which has been dismissed.
5. Learned counsel for petitioner submitted that though, he has not challenged the order passed under Order XXXIX Rule 10 CPC, before striking off the defence, a show cause notice, akin to the one provided under Order XV-A CPC, should have been served upon the defendant. In this

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regard, he relies upon *Sunita Chakravarty vs. Sharul Mathur* (SR. CTZN.): 2025 SCC OnLine Del 4861.

6. He also submits that though the learned Trial Court has relied upon *Mahesh Chander Kumar vs. Bhagwan Singh Saini*: 2023 SCC OnLine Del 3831 but such order is already under challenge before the Hon'ble Supreme Court and the SLP i.e. SLP No. 19673/2023 has already been admitted by the Hon'ble Supreme Court on 25.11.2024 and such appeal is pending adjudication.

7. Keeping in mind the overall facts and *Sunita Chakravarty* (supra), issue notice to respondent through all permissible modes, returnable on 26.09.2025. Notice be also issued through counsel.

8. The matter is fixed for final arguments before the learned Trial Court on 25.08.2025.

9. Learned Trial Court is requested to defer the hearing of final arguments to a date subsequent to the one given by this Court.

10. Be shown in Supplementary List.

MANOJ JAIN, J

AUGUST 18, 2025/ss/js