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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 1936/2025**

SUDHIR KUMAR

.....Petitioner

Through: Mr. Rakesh Mittal, Advocate.

versus

MONIKA MAKKAR & ORS.

.....Respondents

Through: Mr. Chaitanya, Advocate for R-3
(through videoconferencing).

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **06.10.2025**

CM APPL. 62658/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM(M) 1936/2025, CM APPL. 62657/2025 (stay) & CM APPL. 62659/2025 (seeking permission for filing lengthy synopsis LOD and events)

2. Petitioner (*plaintiff*) has assailed order dated 23.08.2025 of the learned trial court, whereby his application under Order VII Rule 10A CPC was dismissed because learned counsel for plaintiff/petitioner stated that he did not propose the trial court to fix date of appearance before the court of competent territorial jurisdiction. Learned counsel for petitioner/plaintiff submits that he never stated so before the trial court.

3. According to learned counsel for petitioner/plaintiff, he did not object to placing the matter before the court of competent territorial jurisdiction, which according to him was South District.



4. In response to a specific query, counsel for petitioner/plaintiff submits that he had challenged the order passed by the learned trial court under Order VII Rule 10 CPC and that challenge is pending before the Division Bench of this court.
5. Learned counsel for respondent no.3, appearing on advance intimation accepts notice.
6. Subject to petitioner taking steps within one week, notice through all modes be issued to the remaining respondents, returnable on 16.01.2026 before Registrar.
7. Learned counsel for petitioner/plaintiff seeks stay on operation of the impugned order passed under Order VII Rule 10A CPC. Learned counsel for respondent no.3 strongly opposes any stay order, disclosing that even the Division Bench was of the view that there is no occasion to stay the order passed under Order VII Rule 10 CPC. This submission is denied by learned counsel for petitioner. The fact remains that nothing from the proceedings pending before the Division Bench has been filed with the present petition. That being so, it would not be appropriate for this court to grant *ex-parte* stay without hearing the remaining respondents.

GIRISH KATHPALIA, J

OCTOBER 6, 2025/dr