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

+ **CM(M) 1953/2025**

ANUJ SHARMA

.....Petitioner

Through: Mr. Vikas Sharma, Advocate
(through videoconferencing).

versus

AMIT SHARMA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

O R D E R

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09.10.2025

CM APPL. 63206/2025 & CM APPL. 63207/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM(M) 1953/2025 & CM APPL. 63205/2025 (stay)

2. Petitioner/defendant has assailed order dated 21.03.2025 of the learned trial court, whereby his application under Section 35A of the Stamp Act was dismissed.

3. Learned counsel for petitioner/defendant contends that the impugned order is not sustainable for the reason that by way of paragraph 5 of the same, the learned trial court recorded a finding without any basis that the petitioner is a licensee/permissive user of the subject premises, despite having framed a specific issue (*issue no.2*) on this aspect. Learned counsel for petitioner has taken me through the order dated 24.09.2021 of the learned trial court (*Annexure P-4*) whereby issues were framed.



4. Subject to petitioner taking steps within one week, notice through all modes be issued to the respondent, returnable on 28.01.2026 before Registrar.
5. At request of learned counsel for petitioner/defendant, it is made clear that proceedings before the trial court shall continue despite pendency of this petition, though the observation of the trial court to the effect that the petitioner/defendant is a licensee/permissive user shall remain stayed.

GIRISH KATHPALIA, J

OCTOBER 9, 2025/dr