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

+ C.R.P. 163/2018

POONAM VERMA

.....Petitioner

Through: Mr. Vishwendra Singh, Ms. Shivali,
Ms. Ekta Tomar & Mr, A S Verma,
Advs.

versus

YASH PRAKASH SHARMA

.....Respondent

Through: Mr. Iqbal Singh & Mr. Gursimar
Singh, Advs

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **13.01.2026**

1. *Mr. Vishwendra Singh* has addressed some opening arguments on behalf of petitioner.
2. Basic facts of the matter are that, a suit was filed bearing No.582/2014 by the respondent/plaintiff before District Court in which leave to defend application was filed by petitioner/defendant. The leave to defend application was filed, along with an application seeking condonation of delay of 19 days which was rejected.
3. Petitioner herein filed CM(M) No.733/2017 before this Court and by order dated 19th July 2017, same was withdrawn and liberty was granted to take appropriate remedy. This was in context that since the suit under Order XXXVII of Code of Civil Procedure, 1908 ('*CPC*') had been decreed by the time CM(M) No.733/2017 was taken up on 19th July 2027, this Court noted that the remedy available to petitioner would be to prefer an appeal or proceedings under Order XXXVII Rule 4 of CPC, if maintainable.



Pursuant to the same, application under Order XXXVII Rule 4 CPC was filed, which has been rejected by impugned order dated 6th July 2018.

4. Three aspects call for assessment, as per the opening submissions, as under:

- (i) After being afforded liberty on 19th July 2017, whether petitioner was fully entitled to raise the issue of condonation of delay, yet again in application under Order XXXVII Rule 4 of CPC, which ought to have been considered.
- (ii) If the answer to question no.(i) is in affirmative, whether the application for condonation of delay is liable to be granted in favour of petitioner in respect of leave to defend application?
- (iii) If petitioner fails on both the above two counts, whether plea taken in paragraph 3 of application under Order XXXVII Rule 4 of CPC, regarding objection under Section 10 CPC due to a previously instituted suit, should have been taken into account, which was not done by the impugned order.

5. *Mr. Vishwendra Singh*, counsel for petitioner seeks some time to address this Court on these aspects.

6. Counsel for parties will file a *3-page note* of arguments, synopsizing their contentions with respect to these issues, with reference to relevant *PDF page numbers* of the Court file, along with *list of citations*, on which they wish to rely upon, at least a week before the next date of hearing, after exchanging copies *inter se* counsels at least three days before the next date of hearing.



7. List on 25th March 2026.
8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 13, 2026/sm/sp