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

+ **CM(M) 1401/2018**

ASHOK MADHOK & ORS

.....Petitioners

Through: Mr. M. Dutta, Sr. Advocate with Mr.
Anand Kr. Soni, Advocate with
petitioners in person.

versus

AJAY MADHOK

.....Respondent

Through: Mr. Alok Kumar Pandey, Advocate
(*through videoconferencing*).

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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29.10.2025

**CM(M) 1401/2018, CM APPL. 12354/2024 (for directions) & CM
APPL. 48204/2018 (stay)**

1. Petitioners/defendants have assailed dismissal of their application under Order VII Rule 11 CPC filed in a partition suit. Broadly speaking, the ground raised for rejection of plaint by the petitioners/defendants was regarding power of plaint signatory and limitation. Learned trial court was primarily of the view that in view of rival pleadings, these are the issues to be decided only after trial. Paragraphs 5 and 6 of the impugned order bear the crux.

2. Learned senior counsel for petitioners has addressed arguments partly, contending that even in a case where the plaint conveys an impression that the suit would be dismissed ultimately, the power under Order VII Rule 11 CPC ought to be exercised by the trial court. I am unable to accept this



argument *prima facie*. However, learned senior counsel for petitioners wants to address at length with the judicial precedents, for which time does not permit today due to heavy board. It is informed by both sides that trial proceedings are continuing.

3. Therefore, relist on 16.01.2026 in top ten matters of the Advance List.

GIRISH KATHPALIA, J

OCTOBER 29, 2025/dr