

M/s Beverley Singh Vs. Tejinder Singh and another a/w connected matter

Item No. (D-16)

FAO(OS) No.1 of 2026 a/w RFA No.52 of 2025

FAO (OS) No.1 of 2026

22.05.2026

Present: Mr. Neeraj Gupta, Senior Advocate, with Mr. Ajeet Pal Singh Jaswal, Advocate, for the appellant.

Mr. R.L. Sood, Senior Advocate with Mr. Vidur Kapur, Advocate, for respondent No.1.

Mr. Nitin Thakur, Advocate, for respondent No.2.

RFA No.52 of 2025

Mr. R.L. Sood, Senior Advocate with Mr. Vidur Kapur, Advocate, for the appellant.

Mr. Neeraj Gupta, Senior Advocate, with Mr. Ajeet Pal Singh Jaswal, Advocate, for respondent No.1.

Mr. R.L. Sood, learned Senior Counsel has raised the objections regarding the maintainability of the appeal as such in FAO(OS) No.1 of 2026. He has submitted that there is a stay operating in Civil Suit No.29 of 2023 before the learned Single Judge and therefore, the defendant No.2 is prejudiced on account of the application, being OMP No.1587 of 2025 filed under Order 7 Rule 11 CPC for rejection of the plaint and the learned Single Judge not deciding the issue due to the pendency of the present appeal.

2. Issue notice. Mr. Vidur Kapur, learned counsel and Mr. Nitin Thkaur, learned counsel, appear and waive service of notice on behalf of respondent No.1 and respondent No.2, respectively in FAO (OS) No.1 of 2026.

3. Issue Notice. Mr. Ajeet Pal Singh Jaswal, learned counsel, appears and waives service of notice on behalf of the sole respondent in RFA No.52 of 2025.

4. We have gone through the application and are of the considered opinion that in the absence of any stay in the present appeals, it would be appropriate, if the learned Single Judge is requested to decide the application under Order 7 Rule 11 CPC filed by defendant No.2 as soon as possible, so that the whole issue can be thrashed out. In case, the said application is allowed, even the present appeal would become infructuous.

FAO(OS) No.1 of 2026 and RFA No.52 of 2025

5. List on **24.07.2026**.

(G.S. Sandhwalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

22nd May, 2026
(Munish Thakur)