

ITEM NO.5

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 5658/2023

[Arising out of impugned final judgment and order dated 05-12-2022 in RFA No. 615/2022 passed by the High Court of Delhi at New Delhi]

JOGINDER SINGH GULATI

Petitioner(s)

VERSUS

DINESH GULATI (SINCE DECEASED) THROUGH HIS LRS

Respondent(s)

(IA No. 59091/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 59089/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 10-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR  
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Abhishek, AOR

For Respondent(s) :

Mr. Rakesh Sharma, Adv.  
Mr. Rahul Rajpal, Adv.  
Mr. Kanwaljeet Khurana, Adv.  
Mr. Abhishek Sharma, Adv.  
Mr. S.K. Verma, AOR

UPON hearing the counsel, the Court made the following  
O R D E R

Heard the learned counsel for the parties.

We find that the petitioner, Joginder Singh Gulati, assailed the order dated 14.03.2022 passed by the trial Court, granting conditional leave to him to defend against the suit filed by deceased respondent No. 1 under Order XXXVII of the Code of Civil Procedure, 1908 by way of a writ petition filed on 21.04.2022. However, in his own wisdom, he never pursued the said writ

petition. Learned counsel for the petitioner states that after the passing of the decree, the defects in the said writ petition were not cured as the matter had been rendered infructuous.

We may, however, note that the writ petition was allegedly filed on 21.04.2022 and the decree in the suit was passed more than three months later, i.e., on 26.07.2022. Even after approaching this Court by way of the present special leave petition, the petitioner could have pursued that writ petition to its logical conclusion so as to maintain his challenge against the condition imposed upon him while granting him leave to defend. His failure to do so resulted in the order dated 14.03.2022 passed by the trial Court attaining finality.

That being so, we find no grounds to interfere with the impugned judgment and order dated 05.12.2022 passed by the High Court of Delhi in RFA No. 615/2025, confirming the decree of the trial Court passed on 26.07.2022.

The special leave petition is, accordingly, dismissed.

The amount deposited with the trial Court, pursuant to the order dated 05.04.2023 passed by this Court, shall be refunded to the petitioner along with the interest accrued thereon, if any.

(DEEPAK GUGLANI)  
AR-cum-PS

(PREETI SAXENA)  
COURT MASTER (NSH)