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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Date of Decision: 03<sup>rd</sup> February, 2026*

+ CM(M) 3556/2024 &amp; CM APPL. 59001/2024

ASHOK KUMAR SINGH ....Petitioner

Through: Mr. F.K. Jha, Mr. Gaurav Jha and Ms. Shalini Jha, Advocates.

versus

DHRUB PRASAD SINGH ....Respondent

Through: Mr. Shailender Dahiya, Advocate.

**CORAM:****HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER (Oral)****Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, assailing the impugned order dated 21<sup>st</sup> September, 2024, passed by the learned Trial Court in *CS DJ No. 589/2019*, and seeking a direction to the Trial Court to proceed with the trial after granting an opportunity to the parties to lead evidence.
3. I have heard the ld. Counsel for the parties and perused the record.
4. Ld. Counsel for the petitioner has argued that the issues in the present case were framed *vide* order dated 31<sup>st</sup> May, 2022, and thereafter, the matter was listed for plaintiff's evidence. It is further argued that instead of proceeding with the trial and permitting the parties to lead evidence, the learned Trial Court has passed the impugned order which will prejudice the case of the petitioner.



5. *Per contra*, ld. Counsel for the respondent has argued that the impugned order is merely procedural in nature and no substantive order has been passed. It is further submitted that the learned Trial Court is empowered to hear the matter where the issues involved appear to be purely legal. Accordingly, it is contended that the present petition be dismissed as not maintainable.

6. The impugned order dated 21<sup>st</sup> September, 2024 reads as under:

*“Admission-denial affidavits of plaintiff and defendants are taken on record in case no. 466/19.*

*Perusal of both the files show that there is a conveyance deed in favour of Dhrub Prasad Singh whereas Ashok Kumar Singh is claiming that he had given amount for such conveyance deed and had also spent amount on construction.*

*The issues involved appears to be simply legal and therefore needs to be heard. It has to be considered if parties can be treated at issue on any point or not, More particularly, the concept of GPA sale and benami transaction are required to be considered in the present case. Both the sides are granted time to prepare for the arguments They can file brief written arguments also alongwith necessary citations, if any.*

*Counsel for Ashok Kumar Singh submits that he needs atleast 4 weeks time for addressing arguments.*

*List for arguments on 18.11.2024.”*

7. A perusal of the impugned order shows that the ld. Trial Court has observed that the issues involved appear to be purely legal and needs to be heard. It is further observed that it has to be considered if the parties can be treated at issue at any point or not. Accordingly, the matter is yet to be decided by the ld. Trial Court. Keeping in view these facts, this Court is of the opinion that, at this stage, the impugned order does not in any manner affect the rights



2026:DHC:865



of the parties, as the findings are yet to be given by the ld. Trial Court in the said suit.

8. Accordingly, the present petition is dismissed as devoid of any merits, along with the pending application(s), if any.

**RAJNEESH KUMAR GUPTA, J**

**FEBRUARY 3, 2026/MR/ABK**