

DENY; and Opinion Filed April 23, 2015.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-15-00462-CV

IN RE NAVEED KLAIR AND HUFSA CHEEMA, Relators

**Original Proceeding from the 101st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-14-11404**

MEMORANDUM OPINION

Before Justices Francis, Myers, and Schenck
Opinion by Justice Schenck

Relators filed this petition for writ of mandamus requesting that the Court order the trial court to vacate its order setting aside the default judgment relator obtained against two of the real parties in interest and granting real parties in interest a new trial. We have recently declined to extend merits based mandamus review to trial court orders granting new trial following bench trials. *See In re Dixon*, No. 05-15-00242-CV, 2015 WL 1183596, at *1 (Tex. App.—Dallas Mar. 16, 2015, orig. proceeding) (mem. op.) (declining to extend merits based mandamus review to case in which elected judge of the trial court granted new trial following a bench trial to an assigned judge); *In re Foster*, No. 05-15-00179-CV, 2015 WL 682335, at *1 (Tex. App.—Dallas Feb. 18, 2015, orig. proceeding) (mem. op.) (declining to extend mandamus review to order granting new trial following bench trial). Our reasoning applies with similar force to trial court orders granting new trial following default judgments.

We **DENY** the petition for writ of mandamus.

/David J. Schenck/
DAVID J. SCHENCK
JUSTICE

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