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

% Judgment delivered on: 22nd July, 2013

+ CM (M) 1200/2012

VINOD KUMAR SHARMA & ANR Petitioners

Through: Mr. Gaurav Duggal and Ms. Gauhar
Mirza, Advs.

versus

VIRENDER KUMAR SHARMA Respondent

Through: Mr. Sandeep Gaur, Adv.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

+ **CM (M) 1200/2012**

1. Instant petition has been filed by the petitioners for setting aside the impugned order dated 20.10.2012, whereby the application under Order IX Rule 7 CPC filed by the petitioners has been dismissed.

2. Ld. Counsel appearing on behalf of the petitioners submits that the case is listed before the Ld. Trial Court on 07.09.2013 for final arguments.

3. He further submits that written statement filed by the petitioners may not be taken on record, however, liberty should be given to them to argue the matter before the court below.

4. On the other hand, Id. Counsel appearing on behalf of the respondent submits that he has no objection if the petitioners argue the matter before the court, however, they shall not insist to take the written statement into consideration.
5. In view of the above, Ld. Judge is directed to allow the petitioners to argue their case and pass the order accordingly.
6. In view of the above, the instant petition is disposed of.
7. A copy of this order be given *dasti* to the learned counsels for the parties under the signatures of the Court Master.

CM Nos. 18829/2012 (for stay)

With the disposal of the petition itself, instant application has become *infructuous*. The same is disposed of accordingly.

SURESH KAIT, J

JULY 22, 2013

jg