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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 279/2016 & C.M. No. 10592/2016
AMIT SAPRA

..... Petitioner
Through Mr. T.K. Ganju, Sr. Adv. with Mr.
Abhishek Bhardwaj and Mr. Manik
Ahluwalia, Adv.

versus

RACHIN BANSAL

..... Respondent
Through None

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **21.03.2016**

The petitioner is aggrieved by the order dated 08.03.2016 vide which application seeking preponement of date of hearing before the Trial Judge had been dismissed.

Record shows that the petitioner had obtained a decree of possession and mesne profits vide judgment and decree dated 20.04.2015.

Execution petition was filed and the first date fixed in the execution petition was 02.12.2015. The Court on that date had noted that a review petition had already been filed seeking a review of the judgment dated 20.04.2015. Accordingly, the Court had directed that the execution petition be listed along with the review petition for 21.12.2015. On the next date, the Presiding Officer was on leave. Matter was thereafter listed for 04.02.2016. On 04.02.2016, the Court

had directed that the matter be listed for 05.04.2015 along with the other file i.e. the file seeking a review of the judgment and decree dated 20.04.2015 for which the execution had been filed.

Meanwhile, an application had been filed by the decree holder stating that the review petition had mentioned wrong period of arrears and damages. The decree holder had been directed to file an affidavit. On the same date i.e. on 10.02.2016, the Court had directed the Nazir to issue warrants of possession on filing of process fee for 05.04.2016 and the decree holder was to appear before the Administrative Civil Judge on 01.04.2016.

The petitioner is aggrieved by this order. His submission is that the Trial Judge directing the Nazir to issue warrants to possession for 05.04.2016 and the appearance of the decree holder on 01.04.2016 before the Administrative Civil Judge was an illegal order for the reason that this order was passed on 10.02.2016 and the date of almost two months had been given for a ministerial act; submission being that the appearance before the Administrative Civil Judge is ministerial in nature and as such, such a long date should not have been granted. He had accordingly moved an application seeking preponement of date of hearing. This application had been declined by the impugned order which was passed on 08.03.2016.

This Court is not in agreement with this submission of the learned senior counsel for the petitioner. The order dated 08.03.2016 had noted that the Court is over burdened and the next date after 08.03.2016 was just 20 days away. The next date as per the record was 01.04.2016. The submission of the learned senior counsel for the

petitioner who has vehemently argued that such a ministerial act i.e. appearance before the Administrative Civil Judge does not call for such a long should is an argument which is not impressive. The Trial Court had noted two reasons for not preponing the date of hearing. The first being that the next date is just 20 days away and the second being that the Court was over burdened. The impugned order was not illegal; it was not perverse. The Trial Court had passed an order in its discretion.

This petition is nothing but an exercise to exert undue pressure upon the Trial Court which is not called for in the instant case. Petition is without any merit. Dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

MARCH 21, 2016
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