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

+ CM(M) 698/2016

AKANKSHA GOEL Petitioner
Through Mr.S.S.Jain, Advocate.

versus

AMIT GOEL & ORS Respondents
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
22.07.2016

CM No. 25750/2016 (exemption)

Exemption is allowed subject to all just exceptions.

CM(M) 698/2016 and CM No. 25751/2016 (stay)

By the impugned order the petitioner seeks to impugn the order dated 28.05.2016 by which order the trial court dismissed an application under Section 94 CPC.

By the said application the petitioner had prayed for directions that the goods lying in the premises in question be disposed of and the sale proceeds thereof either be directed to be retained by the petitioner and she be directed to furnish the bank guarantee/bank security for that purpose or the sale proceeds be directed to be deposited in the court itself.

A perusal of the impugned order shows that the trial court noted that

CM(M) 698/2016

page 1 of 2

goods lying in the premises have been sealed by the directions of the MM and also on the directions of the ASJ. The impugned order held that it would not be appropriate for the civil court to interfere with the orders passed by different courts and the plaintiff ought to have approached the concerned court itself.

Learned counsel appearing for the petitioner submits that they moved the court of the ASJ. The ASJ vide order dated 12.04.2016 held that the petitioner should seek relief from the court of MM or from the court of ADJ. Hence, it is urged that the petition is running in different courts.

A perusal of the record shows that the original order was passed by the court of MM on 23.06.2015. It is appropriate that the petitioner moves the concerned MM where the petition filed by the petitioner under Section 12 of the Domestic Violence Act is pending.

In case any such application for release/sale of the goods is moved by the petitioner, the MM is requested to dispose of such application within two months from the date of the receipt of the application.

With these observations, the present petition is disposed of.

JAYANT NATH, J

JULY 22, 2016

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CM(M) 698/2016

page 2 of 2