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

+ C.M. (M) 315/2017

THE INSTALMENT SUPPLY LTD. Petitioner

Through: Mr. Sudhanshu Batra, Senior
Advocate with Mr. Abhishek
Sharma and Mr. Shashwat V.
Dubey, Advocates

versus

KHAITAN HOTELS PVT. LTD. & ANR.Respondents

Through: Mr. Vikas Dhawan, Mr. S.P. Das,
Mr. S Panda and Mr. S. Nanda,
Advocates for respondent No.1

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **20.03.2017**

Received on transfer.

C.Ms.10849-50/2017 (exemption)

Allowed subject to all just exceptions.

C.M. (M) 315/2017 & C.M.10848/2017 (interim direction)

Petitioner is plaintiff before trial court and the grievance of petitioner is that the pending application, which has been converted into one under Order 12 Rule 6 of CPC, is not being decided alongwith respondents' application under Section 151 of CPC. The urgency disclosed by learned senior counsel for petitioner is that though these two applications are pending, but the case is fixed for recording of evidence on 24th March, 2017. It is pointed out by learned counsel for respondents that these two applications are coming up before trial court today at 2 PM

and that he is ready to argue these two applications today only.

Learned senior counsel for petitioner submits that the arguments on the pending two applications have been already addressed and he would be needing 15 minutes time only to address the arguments in rebuttal.

Learned counsel for respondents submits that even he would be taking not more than 15-20 minutes to argue the pending two applications.

In view of the stand taken as aforesaid, let the trial court decide the pending two applications before 24th March, 2017 as it is stated that the recording of evidence is to commence on the said date. It is made clear that both sides shall be granted not more than half an hour each to conclude their arguments and if more time is sought by either side, then trial court shall not be bound to decide the pending two applications before 24th March, 2017.

Trial court be apprised of this order forthwith. Let the parties through their counsel appear before trial court at 3 P.M. today for addressing arguments on the aforesaid pending two applications.

With aforesaid directions, this petition and the application are disposed of.

Copy of this order be given *dasti* under signatures of Court Master to both sides.

(SUNIL GAUR)
JUDGE

MARCH 20, 2017

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