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

+ CM(M) 506/2017

GURCHARAN KAUR & ANR

.....Petitioners

Through: Mr.S.C.Singhal, Advocate.

versus

BHAGWANT SINGH (SINCE DECEASED) THR LR.....Respondent

Through: Mr.N.K.Bhatnagar, Advocate for the
Applicant Udham Singh.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.05.2017

CM No.17112/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

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1. The petitioners have invoked the extraordinary jurisdiction of this Court under Article 227 of the Constitution of India with the prayer that directions may be given to the learned Trial Court to hear the eviction petition on day to day basis and decide the same expeditiously, preferably within a period of three months.
2. Mr.N.K.Bhatnagar, Advocate has appeared on behalf of the applicant Mr.Udham Singh, S/o Sh.Gurdiyal Singh, R/o III/5/13, Gopinath Bazar, Delhi Cantt-110010, who has moved an application under Order 1 Rule 9 & 10 CPC read with Section 151 CPC before the learned Trial for his impleadment in the case.
3. Mr.N.K.Bhatnagar, Advocate submits that in the memo of

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parties, the particulars of the respondent have been given as Shri Bhagwant Singh (since deceased) now represented by Sh.Udham Singh, R/o III/5/14, Gopinath Bazar, Delhi Cantt-110010 whereas the applicant Udham Singh has nothing to do with Sh.Bhagwant Singh, who was the tenant in the suit property.

4. Learned counsel for the petitioners submits that necessary correction in the memo of parties shall be done and amended memo of parties shall be filed within a week.

5. Learned counsel for the petitioners has drawn the attention of this Court to the proceedings dated 15th April, 2013 in Eviction Petition 19/2009 and submitted that despite being noted by the learned ARC in the proceedings that the case was the oldest case pending in that Court, the application under Order 1 Rules 9 & 10 CPC read with Section 151 filed by the applicant Udham Singh is pending till date.

6. Learned counsel for the applicant Udham Singh also submits that repeatedly arguments have been advanced by the parties on the application but till date it remains pending.

7. The case is stated to be listed before the learned ARC on 1st July, 2017.

8. In the given facts and circumstances, it is hoped and expected that after hearing learned counsel for the parties on 1st July, 2017, the application under Order I Rules 9 & 10 CPC read with Section 151 CPC shall be disposed of by the learned ARC within the month of July, 2017.

9. After disposing of the application under Order I Rules 9 & 10 CPC read with Section 151 CPC, this being the oldest case the learned ARC shall decide the case expeditiously, preferably within six months.

10. With above directions, the petition is disposed of.
11. A copy of this order be sent to the Court concerned through concerned District Judge for information and compliance and be also given dasti to learned counsel for the parties, as prayed.

PRATIBHA RANI, J.

MAY 05, 2017

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