

\$~10 & 11

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

CM(M) 252/2015 & CMs No.5311/2015 & 20690/2016 (both for stay)

SHASHI DHAUL Petitioner
Through: Mr. S.K. Mishra, Adv.

Versus

MERCHAND CHIT PVT LTD Respondent
Through: Mr. Mahinder Pratap Singh, Adv. for
Israr Ahmed, Adv.

AND

+ CM(M) 1002/2016 & CMs No.36597/2016 (for stay), 36598/2016 (for condonation of 30 days delay in filing), 36599/2016 (for exemption) & 36633/2016 (for exemption in filing trial court record)

SHASHI DHAUL Petitioner
Through: Mr. S.K. Mishra, Adv.

Versus

MERCHANT CHIT PVT LTD Respondent
Through: Mr. Mahinder Pratap Singh, Adv. for
Israr Ahmed, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

31.08.2017

1. Mr. Mahinder Pratap Singh, Advocate appearing for the respondent states that Mr. Israr Ahmed, Advocate is unwell and seeks adjournment.

2. The counsel for the petitioner, on enquiry, as to why two petitions have been filed, states that CM(M) No.252/2015 was filed impugning the orders dated 27th September, 2014, 23rd February, 2015 and 16th March, 2015 in Ex. No.99/2006 of the Court of ACJ/CCJ (North-East), Karkardooma Courts, Delhi. Notice thereof was ordered to be issued and vide *ex-parte* order dated 20th March, 2015, the execution was stayed; however thereafter CM(M) No.252/2015 was dismissed in default on 7th January, 2016 and which resulted in vacation of the interim stay and the Executing Court passing the orders dated 28th April, 2016 and 16th May, 2016 in Ex. No.10992/2015 and impugning which CM(M) No.1002/2016 was filed. It is further stated that the petitioner also applied for restoration of CM(M) No.252/2015 and vide order dated 30th May, 2016, CM(M) No.252/2015 has been restored and the interim order continued.

3. In the aforesaid light, there is no need to continue with both the petitions.

4. CM(M) No.1002/2016 is disposed of by clarifying that the orders dated 28th April, 2016 and 16th May, 2016 also remain stayed in view of interim order in CM(M) No.252/2015. However, the file of CM(M) No.1002/2016 be tagged to file of CM(M) No.252/2015.

5. Since the petitioner is already enjoying an interim order and the respondent does not seem to be in a hurry, list on 28th November, 2017.

RAJIV SAHAI ENDLAW, J.

AUGUST 31, 2017

‘bs’..