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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 659/2017 & CM No.22626/2017 (for stay)
CARDIFF ASSOCIATION PVT LTD Petitioner
Through: Mr. Pankaj Gupta, Adv.
Versus
INDRAPRASTHA ICE & STORAGE PVT LTD Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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06.07.2017

1. This petition under Article 227 of the Constitution of India was filed impugning the order dated 7th June, 2017 of the Additional District Judge in a suit filed by the respondent herein against the petitioner.
2. This petition came up before the Vacation Judge of this Court on 21st June, 2017 when the senior counsel for the petitioner stated that the order under challenge was in view of the order dated 7th September, 2016 of this Court in CM(M) No.875/2016 and that an appropriate application seeking modification of the order dated 7th September, 2016 was proposed to be filed.
3. The petitioner thereafter did file an application in disposed of CM(M) No.875/2016 for modification of the order dated 7th September, 2016 and which came up before this Bench yesterday i.e. 5th July, 2016 when finding that the order dated 7th September, 2016 is of Hon'ble Justice Jayant Nath, the application has been ordered to be listed before Hon'ble Justice Jayant Nath on 17th July, 2017.

4. I have thus asked the counsel for the petitioner the purpose of pursuing this petition.
5. The counsel for the petitioner states that this petition be also listed before Hon'ble Justice Jayant Nath.
6. I am unable to appreciate. The petitioner cannot claim the same relief in two proceedings and has to elect whether he desires to press this petition or the application filed in CM(M) No.875/2016.
7. The counsel for the petitioner states that in view of the application filed in CM(M) No.875/2016 he is not pressing this petition.
8. The petition is disposed of in terms of above.

RAJIV SAHAI ENDLAW, J.

JULY 06, 2017

gsr/bs ..