

\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 786/2017, CM No.26374/2017 (for stay) & CM
No.34436/2017 (of the petitioners u/S 151 CPC)
SACHCHIDA NAND JHA & ANR Petitioners
Through: Mr. I.C. Mishra, Adv.
Versus
NEHRU NAGAR MANDIR SABHA Respondent
Through: Mr. Manish Raghav & Mr. Nikhil
Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

25.09.2017

CM No.34437/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) No.786/2017

3. This order is in continuation of the earlier order dated 26th July, 2017.
4. The petitioners have since then, along with CM No.34436/2017, filed copies of the Trial Court record.
5. The counsel for the respondent also appears.
6. The counsel for the petitioners, after some arguments, states that though the grievance of the petitioner is of refusal of the Suit Court to take on record (i) the certified copies of the judgment dated 7th March, 2011 in Suit No.269/2010 titled "Nehru Nagar Mandir Sabha (Regd.) Vs. The Sanatan Dharm Mandir Sabha (Regd.) & Ors."; and, (ii) the notice under Section 124(5) of the Delhi Municipal Corporation Act, 1957, but the petitioners now confine the relief only with respect to the judgment aforesaid and do not want to file the notice aforesaid of the MCD.

7. I have proposed that the said certified copy of the judgment aforesaid be permitted to be used by the Suit Court with liberty to both parties to address their arguments with respect thereto.

8. The aforesaid is agreeable to the counsels.

9. The counsel for the respondent however states that the petitioners have been delaying the disposal of the suit from which this petition arises and the evidence of the petitioners/defendants has also been closed and the suit is now listed today for final arguments at 1400 hours.

10. On the condition that the petitioners will not take any adjournment before the Suit Court, the petition is disposed of with the direction that the counsels will be at liberty to make arguments before the Suit Court during the course of final arguments on the effect, if any, of the judgment aforesaid.

11. The petition is disposed of.

No costs.

Dasti.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 25, 2017

‘gsr’..