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

+ **CM(M) 714/2017**

ASHWANI KUMAR

..... Petitioner

Through: Mr. Aaditya Vijay Kumar & Mr. P.
Dey, Advs.

Versus

EVAM HOSPITALITY PRIVATE LTD

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.07.2017

CM No.24836/2017 (for exemption)

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

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3. This petition under Article 227 of the Constitution of India impugns the order (dated 26th May, 2017 of the Court of JSCC-cum-ASCJ-cum-Guardian Judge (South), Saket Courts, New Delhi in Civil Suit No.85032/2016) granting leave to defend to the respondent / defendant to contest the suit filed by the petitioner / plaintiff under Order XXXVII of the CPC.
4. The remedy available against such an order is by way of revision under Section 115 of the CPC.
5. Though the counsel for the petitioner states that the petition be treated as under Section 115 of the CPC as the jurisdiction to hear such petitions is

also with the undersigned but it is found that allowing such conversions is leading to law being forgotten and being repeatedly ignored.

6. The petition is rejected as not maintainable with liberty to the petitioner to take appropriate remedy.

RAJIV SAHAI ENDLAW, J

JULY 17, 2017

‘gsr’..

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