

\$~54

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

+ CM(M) 782/2017

ANURADHA MALL

..... Petitioner

Through: Mr. B.S. Mathur, Mr. Rajat Mathur,
Ms. Aditee Mathur and Mr. Nicholas
Choudhury, Advs.

Versus

BODHAN PANDIT & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

26.07.2017

CM No.26307/2017 (for exemption)

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

CM(M) 782/2017 & CM No.26308/2017 (for stay)

- 3 This petition under Article 227 of the Constitution of India impugns the orders dated 21st July, 2017 and 22nd July, 2017 (in CS No.472/2017 filed by the respondent No.1/plaintiff against the petitioner/defendant and the respondents N.2&3/defendants) granting ad-interim order the application of the respondent No.1/plaintiff under Order XXXIX Rules 1&2 of the Code of Civil Procedure, 1908 (CPC) and adjourning the suit to 4th August, 2017.
4. Though the petitioner/defendant has taken an objection to the territorial jurisdiction of the learned Civil Judge to entertain the suit by filing an application under Order VII Rule 11 of CPC but the said application also is posted for hearing on 4th August, 2017.

CM(M) 782/2017

Page 1 of 2

5. Upon it being put to the counsel for the petitioner/defendant that an order on an application under Order XXXIX Rules 1&2 of CPC is appealable under Order XLIII Rule 1(r) of CPC, the counsel for the petitioner/defendant does not press this petition with liberty to invoke the remedy of appeal.

6. Dismissed as not pressed with liberty aforesaid.

No costs.

RAJIV SAHAI ENDLAW, J.

JULY 26, 2017

‘bs’..