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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 940/2017
M/S S.K VERMA & SONS Petitioner

Through: Mr. Vinay Jaidka, Adv.

Versus

INDIAN OIL CORPORATION LIMITED & ANR..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **30.08.2017**

CM Nos.31451-52/2017 (both for exemptions)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

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3. This petition under Article 227 of the Constitution of India impugns the order [dated 8th August, 2017 in Civ. DJ No.611049/2016 of the Court of Additional District Judge (ADJ)-04, West District, Tis Hazari Courts, Delhi] posting the application of the respondent / defendant no.1 under Order VI Rule 17 of the Code of Civil Procedure, 1908 (CPC) for amendment of the application under Section 8 of the Arbitration & Conciliation Act, 1996 for hearing on 19th December, 2017 and for further proceedings in the suit.
4. The suit filed by the petitioner / plaintiff is of September, 2015 vintage. The grievance of the petitioner / plaintiff is of long date given.
5. It is presumed that the learned ADJ has given the date as per the board of her Court.

6. Merely because the petitioner / plaintiff has approached this Court by way of a petition under Article 227 of the Constitution of India cannot entitle the petitioner / plaintiff to dates before the Suit Court in precedence to other suits and proceedings pending before the said Court and which may be of older vintage. Jurisdiction under Article 227 of the Constitution of India is not to be exercised towards the said end particularly when it is not found to be a case of any undue delay.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 30, 2017

‘gsr’..