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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CM(M) No.1023/2017& CM No.33886/2017 (for stay).  
VIJAY GUPTA ..... Petitioner

Through: Mr. Vikas Sharma, Adv.

versus

HARI OM SHARMA ..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **15.09.2017**

**CM No.33887/2017 (for exemption).**

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

**CM(M) No.1023/2017& CM No.33886/2017 (for stay).**

3. This petition under Article 227 of the Constitution of India impugns the order (dated 18<sup>th</sup> August, 2017 in CS No.1052/16 of the Court of District & Sessions Judge, Shahdara District, Delhi) closing the right of the petitioner / defendant to lead evidence and posting the suit for final arguments on 19<sup>th</sup> August, 2017.
4. Notwithstanding the aforesaid, this petition challenging the order dated 18<sup>th</sup> August, 2017 has come up today for the first time.
5. I may also mention that as per the list of dates of the petitioner / defendant, final arguments in the suit were not heard on 19<sup>th</sup> August, 2017 and the suit was adjourned to 8<sup>th</sup> September, 2017 for final arguments. The petitioner / defendant still did not take any urgent steps for challenging the order dated 18<sup>th</sup> August, 2017 and has got this petition listed today when it is

informed that the suit is listed for final arguments now on 18<sup>th</sup> September, 2017.

5. Clearly any interference at this stage would derail final arguments in the suit which is of the year 2011 and in which issues were framed as far back as on 19<sup>th</sup> March, 2013.

6. Option has been given to the counsel for the petitioner / defendant to withdraw this petition with liberty to take the grounds as taken herein in the event of remaining aggrieved from the final order in the suit.

7. The counsel for the petitioner / defendant withdraws the petition.

8. Dismissed as withdrawn.

No costs.

**RAJIV SAHAI ENDLAW, J**

**SEPTEMBER 15, 2017**

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