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

+ CM(M) 1058/2017

ANAND KUMAR

..... Petitioner

Through: Mr. Anil K. Khaware and Ms. Azma
Zaidi, Advs.

Versus

VINOD KUMAR SHARMA & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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22.09.2017

1. This petition under Article 227 of the Constitution of India seeks a direction to the Court of Additional District Judge (ADJ)-02 (South), Saket Courts, New Delhi for expeditious time bound disposal of CS No.8250/2016 being CS(OS) No.706/2014 of this Court.

2. Merely because one of the litigants, out of all others whose cases are listed before a particular ADJ, has the means and resources to approach the High Court for expeditious disposal does not entitle that litigant to any preferential treatment over other litigants whose cases are pending before that Court. There is nothing to indicate that the petitioner, in the matter of dates of hearing in his suit, has been treated unfairly vis-a-vis the other cases pending before the learned ADJ.

3. The counsel for the petitioner then states that nothing has happened in the suit for the last two years.

4. It is for the petitioner to, before the learned ADJ, take appropriate steps. A perusal of the order dated 23rd April, 2016 in the suit shows that the counsel for the petitioner/plaintiff did not even appear and proxy counsel appeared on his behalf and sought adjournment on the ground of non-availability of the witness. Similarly, on 17th February, 2017 and 20th April, 2017, the counsel for the petitioner/plaintiff joined the counsel for the respondents/defendants in seeking adjournment. On 20th May, 2017, the counsel for the petitioner/plaintiff though appeared, did not make any request for expediting the proceedings before the ADJ. Thereafter, on 21st July, 2017, again a new counsel appeared for the petitioner/plaintiff.

5. A litigant, cannot on the one hand conduct the lis in such a casual and negligent manner before the ADJ and on the other hand approach this Court for expeditious disposal.

6. Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 22, 2017

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