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

+ **CM(M) 1143/2017**

SUNIL KUMAR SHARMA & ANR Petitioners

Through: **Mr. Ruchir Batra, Advocate**
with petitioner no.1, in person.

versus

SUMITA KAPIL

..... Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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16.10.2017

CM No. 37135/2017

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

CM(M) 1143/2017

3. This petition under Article 227 of the Constitution of India seeks a direction to the Court of Additional District Judge-05, South District, Saket Courts, New Delhi to decree Suit No. 73/2016 titled 'Dr. Sunil Kumar Sharma & Anr. Vs. Sumita Kapil' pending before it on admission.

4. Admittedly, the petitioner has not filed any application under Order 12, Rule 6 of the CPC. Again, admittedly, the issues have not been framed in the suit as yet, at which stage, the Court can examine under Order 15 whether the plaintiff is entitled to a decree forthwith.

5. The jurisdiction under Article 227 cannot be invoked to seek the relief claimed in the suit.

6. However, the counsel for the petitioner/plaintiff has argued that the grievance of the petitioner/plaintiff is, of the learned Additional District Judge having repeatedly adjourned the matter on the request of the respondent/defendant for consideration of the request of the petitioner for decree on admission.

7. Attention in this regard is drawn to orders dated 16th March, 2016, 13th May, 2016, 13th July, 2016, 19th August, 2016 , 19th October, 2016 , 13th January, 2017 , 15th March, 2017 and 31st May, 2017.

8. It is informed that the matter is now posted for the same purpose on 17th November, 2017.

9. The petition is disposed of with the request to the learned Additional District Judge to not grant unnecessary adjournments to the respondent and to deal with the suit expeditiously.

Dasti.

RAJIV SAHAI ENDLAW, J
OCTOBER 16, 2017/P..