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

+ **CM(M) 1153/2017**

VRINDA GROVER & ANR

..... Petitioners

Through: Mr. Sanjeev Sindhwani, Sr. Adv. with
Mr. Harsh Bora, Adv. for P-1.
Ms. Rebecca Mammen John, Sr. Adv.
with Mr. Kushdeep Gaur and Mr.
Soutik Banerjee, Advs. for P-2.

Versus

DR. RAJENDRA KUMAR PACHAURI & ORS Respondents

Through: Mr. Anil Sapra, Sr. Adv. with Mr.
Ashish Dixit, Mr. Kartik Bhardwaj,
Mr. Jaideep Singh, Ms. Piyusha Singh
and Mr. Sarthak Katyal, Advs. for R-
1.
Mr. Rohan Malik, Adv. for R-2.
Mr. Sarojanand Jha, Mr. Biswajit
Choudhury, Advs. for R-3.
Ms. Mayuri Raghuvanshi and Mr.
Uyom Raghuvanshi, Advs. for R-4.
Mr. C.M. Goyal, Adv. for R-5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.10.2017

CM No.37382/2017 (for exemption)

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

CM(M) 1153/2017 & CM No.37381/2017 (for stay)

3. This petition under Article 227 of the Constitution of India seeks a direction to the Court of Additional District Judge (ADJ) (New Delhi), Patiala House Courts, New Delhi to expeditiously dispose of the application

of the respondent No.1/plaintiff under Order XXXIX Rules 1&2 of the Code of Civil Procedure, 1908 (CPC) in CS No.57510/2016 and on which ad-interim order was made as far back as on 25th February, 2017.

4. The learned ADJ has vide order dated 19th September, 2017 posted the said application for consideration on 31st March, 2018, reasoning that he is busy in disposing of ten years old cases and in ripening the five years old cases in accordance with the directions of the State Court Management Systems Committee of this Court.

5. It is the contention of the senior counsels for the petitioners that the arguments have been heard on the application on several dates and in fact at one stage orders were also reserved on the application but the same was put up for re-hearing.

6. The senior counsel for the respondent No.1/plaintiff appearing on advance notice cannot possibly have any objection to the order sought, inasmuch as the CPC requires the application under Order XXXIX Rules 1&2 of CPC to be disposed of within thirty days.

7. As far as the reasoning given by the learned ADJ for long adjournment to 31st March, 2018 is concerned, if the learned ADJ has workload in excess, he is at liberty to approach the District Judge / this Court, on administrative side, for re-allocation of work.

8. The petition is thus allowed to the following extent:

(I) The suit be listed before the ADJ on 24th October, 2017 for fixing of a date for hearing of the application under Order XXXIX Rules 1&2 CPC. The said date be, on or before 3rd November, 2017:

(II) All counsels in the suit are directed to complete their arguments on the said application on the date so fixed by the learned ADJ, within one hour and it is stipulated that the respondent No.1/plaintiff shall have half an hour for arguments and all the other counsel for the defendants, together shall have the remaining half an hour. Liberty is given to the counsels to present on the same day, if so desire, written arguments not exceeding three pages each.

9. The learned ADJ is requested to dispose of the application under Order XXXIX Rules 1&2 of CPC on or before 15th November, 2017.

10. The senior counsel for the respondent No.1/plaintiff has complained about the excessive and lengthy cross-examination by the counsels for the defendants.

11. However, in the absence of the material in that respect before this Court, the same cannot be considered.

12. The counsels to place a copy of this order before the learned ADJ today in the post-lunch session.

13. A copy of this order be made available under the signatures of the Court Master to the counsels during lunch time.

RAJIV SAHAI ENDLAW, J.

OCTOBER 17, 2017
Bs..