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

+ CM(M) 1240/2017

PHOOL KUMAR

..... Petitioner

Through: Ms. Ananya Prajapati, Adv.

Versus

SHIV CHARAN DECEASED THROUGH LRS Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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01.11.2017

CM No.39343/2017 (for exemption)

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

CM(M) 1240/2017 & CM No.39344/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the orders [dated 14th October, 2017 and 24th October, 2017 in CS No.(252/2014) 476233/2015 of the Court of Additional District Judge (ADJ), North-West District, Karkardooma Courts, Delhi] closing the evidence of the petitioner / defendant no.2 and dismissing the application of the petitioner / defendant no.2 under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC).

4. Against the order of closure of evidence, a petition under Article 227 of the Constitution of India would lie and against the order of dismissal of an application under Order VII Rule 11 of the CPC, a Revision Petition would lie.

5. However, even if ignoring the technicality aforesaid, the petition is to be seen, it is found that the learned ADJ, vide order dated 24th October, 2017 posted the suit on 30th October, 2017 for hearing final arguments therein.
6. On enquiry, it is informed that now the suit (informed to have been filed in the year 2008) is posted tomorrow for orders.
7. It is not deemed appropriate to interfere at the stage when the suit from which this petition arises is listed for final order / judgment therein.
8. The petition is disposed of with liberty to the petitioner / defendant no.2 to, if remains aggrieved from the final order / judgment in the suit, to in the remedy, if any preferred thereagainst, also urge the grounds as urged in this petition.
9. With the aforesaid liberty, the petition is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 01, 2017

‘gsr’..