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

+ **FAO 477/2017**

ABDULLAH SHEIKH Appellant

Through : Mr.Abhinav Gupta, Advocate with
Mr.Harshvardhan & Mr.Neeraj, Advocates.
versus

ABDUL NASIR Respondent

Through : Dr.Sheetal Vohra, Advocate with Mr.Sonnath De,
Advocate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **06.12.2017**

CAV 1046/2017

1. Dr.Sheetal Vohra, Advocate puts appearance on behalf of the caveator.
2. The caveat stands discharged.

CM 44335/2017 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

CM 44333/2017 (Delay)

1. For the reasons mentioned in the application for condonation of delay in filing the appeal, the delay is condoned.
2. The application for condonation of delay is disposed of.

FAO 477/2017 & CM 44334/2017

1. During the course of arguments, it was informed that the matter is listed before the learned Trial Court for disposal of the application

under Order XXXIX Rule 1 & 2 CPC filed by the plaintiff therein and application under Order XXXIX Rule 4 CPC filed by the defendant therein in January, 2018.

2. The ex-parte stay was granted by the Trial Court on 24.06.2017. These urgent applications have not been decided so far.

3. With the consent of the parties, the matter is listed before the Trial Court for 18th December, 2017. On that day arguments on the pending applications particularly under Order XXXIX Rule 1 & 2 and XXXIX Rule 4 CPC shall be heard by the learned Trial Court or soon thereafter. None of the parties shall seek any adjournment to address arguments.

4. Efforts will be made by the Trial Court to dispose of the said applications at the earliest soon after hearing arguments on 18.12.2017 or on the date fixed soon thereafter.

5. In view of this, learned counsel for the appellant does not press the appeal.

6. The appeal stands disposed of in the above terms.

7. Order '*dasti.*'

S.P.GARG, J

DECEMBER 06, 2017 / tr