

\$~24 & 28 (common order)

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

+ CM(M) 1414/2017 and CM No.45437/2017

M/S ICICI BANK LIMITED

..... Petitioner

Through: Mr. Punit K. Bhalla, Adv.

versus

SACHIN TYAGI & ANR

..... Respondents

Through

+ CM(M) 1419/2017 and CM No.45473/2017

M/S ICICI BANK LIMITED

..... Petitioner

Through: Mr. Punit K. Bhalla, Adv.

versus

PARAMJEET TYAGI

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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15.12.2017

The petitioner is aggrieved because, on his cases (CS. Nos.3778/2017 & 3779/2017), the Additional District Judge, by the impugned order dated 16.11.2017, issued summons for settlement of issues to the defendant, returnable on 27.04.2018, while posting the cases for pronouncement of the order on the application under Order 40 Rule 1 of the Code of Civil Procedure, 1908 (CPC) to 28.02.2018, the grievance being that deferment of the decision on the request for appointment of the receiver to such a long date would frustrate the objective and entail irreparable loss.

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Indeed, if a party seeks *ex parte* relief, the court is expected to pass an appropriate order, one way or the other, expeditiously within reasonable time. Fixing a date for the order to be passed more than three months later is apparently neither reasonable nor proper.

The petitioner, at this stage, submitted that he may be allowed to withdraw the present petitions and the applications filed therewith and instead approach the trial court by a fresh application seeking early decision in the matters.

The petitions and the applications filed therewith are dismissed as withdrawn with liberty, as prayed, granted.

Dasti under the signature of Court Master.


R.K.GAUBA, J.

DECEMBER 15, 2017

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