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

+ CM(M) 256/2018 & CM Nos. 8529-30/2018

KRISHNA KAPANI (SINCE DECEASED THR LRS) Petitioners

Through: Mr. Rajat Aneja, Ms. Vandana Aneja
& Ms. Nisha Sharma, Advs.

versus

GIRDHARI LAL (SINCE DECEASED THR LRS) Respondents
Through

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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06.03.2018

The petition at hand has been submitted invoking jurisdiction of this Court under Article 227 of the Constitution of India for appropriate directions with regard to civil suits they being presently registered as CS No. 93511/2016 titled *Girdhari Lal vs. Krishna Kapani* and CS No. 93512/2016 titled *Krishna Kapani vs. Girdhari Lal* which was clubbed and consolidated for trial by earlier directions. Both the suits were instituted in the year 1974 and thus are now almost 44 years old. This Court had the occasion to issue necessary directions for expeditious decision in the said suits when the respondents herein brought CM (M) 1326/2012 and CM (M) 90/2012 which were decided by two separate orders dated 16.05.2013. At that stage, the cases were listed before the trial Court on 04.07.2013. This Court directed the endeavour to be made for expeditious disposal of the suits preferably within one year of the said next date of hearing i.e. 04.07.2013. Yet the cases have remained pending, as submitted by the counsel for the petitioner,

with no hope of early adjudication, this, particularly in view of the repeated adjournments taken by the opposite party as is sought to be demonstrated by reference merely to two of the last proceedings recorded by the trial Court on 16.12.2017 and 03.02.2018. It is pointed out that on 03.02.2018 which was a Saturday and, therefore, not a working day for High Court, adjournment was sought by the opposite party and granted by the Civil Judge on the ground that the counsel of the opposite party was engaged in some other matter before the High Court on the said date.

Given the drive that is presently underway for special focus on expeditious adjudication of chronically old matters, particularly, those over ten years, indulgence by the trial Court in granting adjournment just for the asking in cases of this nature is definitely a cause for concern. This Court, however, hopes and trusts that given the necessary persuasion by the counsel for the petitioner, the trial Court will make appropriate endeavour to secure, if not compel, cooperation of the opposite party and its counsel, for early adjudication.

At this stage, the counsel for the petitioner submitted that he may be presently allowed to withdraw the present petition and bring the background facts and the previous directions as also the above noted observations of this Court to the notice of the trial Court on the next date and make an appropriate prayer so that the cases do not continue to linger further.

The petition and the applications filed therewith stand disposed of in above terms.

R.K.GAUBA, J

MARCH 06, 2018/nk

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