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

+ C.R.P. 83/2018

ELEMENTION HEALTH & SPORTS PVT LTD Petitioner
Through: Mr. Rohit Sharma, Adv.

versus

DEFENCE COLONY (WA) CLUB & ANR Respondents
Through: Mr. Arjun Dewan and Mr. Uday Bedi,
Adv. for R1.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
27.04.2018

1. The petitioner has challenged the order dated 12th April, 2018 whereby the learned Trial Court fixed the case for hearing arguments on the maintainability of the suit and the injunction application on 04th May, 2018 at 02:00 P.M. The petitioner's grievance is that the status quo order till 04th May, 2018 has not been granted by the learned Trial Court.
2. Learned counsel for the petitioner has handed over the four photographs of the subject premises taken on 23rd April, 2018 in the presence of respondent No.1 in terms of the order dated 23rd April, 2018. The photographs are taken on record.
3. The photographs handed over by the petitioner reflect that the renovation work is going on. This Court is of the view from the perusal of the photographs that it is unlikely that the subject premises would be made operative by 04th May, 2018.
4. Learned counsel for respondent No.1 assures this Court that pleadings shall be completed before the Claims Tribunal before 04th May, 2018 and he shall not seek any adjournment before the Claims Tribunal on 04th May,

2018. The statement is taken on record.

5. Considering the present condition of the premises and the statement made by learned counsels for the parties that they shall complete the pleadings and address the arguments before the Trial Court on 4th May, 2018, no interim orders till 04th May, 2018 are warranted. The learned Trial Court shall proceed to hear the matter on 04th May, 2018, date already fixed.

6. This petition is disposed of in the above terms. Learned counsel for respondent No.1 shall remain bound by the statement before this Court.

7. The record of the Trial Court has not been yet received. If the same is received by registry, the registry shall send back forthwith to the Trial Court to enable the Trial Court to hear the matter on 4th May, 2018.

8. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

APRIL 27, 2018
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