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

+ **FAO(OS) 89/2018, CM No. 23324/2018**

KUNWAR S VISHAL

..... Appellant

Through: Mr. P.D. Gupta, Sr. Adv. with
Mr. Sumeet Batra, Adv.

versus

KOHLI REALTORS PVT LTD & ORS

..... Respondents

Through: Mr. Dinesh Garg, Adv. for R1

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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10.10.2018

Having heard the learned counsel for the parties and considering the impugned order dated May 14, 2018 passed by the learned Single Judge, it seems that the application for amendments under Order VI Rule 17 CPC has not been decided. Learned counsel for the respondents took us through the order in detail to canvass the aforesaid contention. However, we find that after the case was adjourned to July 03, 2018, due to change of Roster the matter was listed before another bench which bench indicated that in view of the order passed on May 14, 2018 in IA No.6529/2018 for amendment, the same be treated as part heard and the matter be listed before the same bench. On August 06, 2018 when the matter was sent back to the same bench,

learned Single Judge passed the following order:

“1. Though the order dated 3rd July, 2018 of the Roster Judge records that the counsel for the parties submitted that the matter was part heard before me, but the counsel for the plaintiff, who has mentioned the matter, states that he did not make any such submission. 2. The plaintiff had preferred FAO(OS) No.89/2018 against the order dated 14th May, 2018 of the undersigned. The order dated 14th May, 2018 did not decide anything but on request of the senior counsel for the plaintiff adjourned the hearing to 3rd July, 2018. The plaintiff preferred FAO(OS) No.89/2018 and in which, vide order dated 29th May, 2018, stay of further proceedings till 10th October, 2018 has been granted. 3. In view of the aforesaid order of the Division Bench, there is nothing to be heard for the matter to be listed before the undersigned. 4. Subject to the orders of Hon’ble the Chief Justice, list before the Roster Judge on 22nd October, 2018.”

From the aforesaid, it is clear as the IA No.6529/2018 is yet to be decided and the matter is still pending before the appropriate single bench, this appeal is not maintainable. The appeal is accordingly dismissed.

CM No. 23324/2018

Dismissed as infructuous.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 10, 2018/aky