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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 682/2018 & CM Nos. 24099-100/2018**

SHIVRAJ GUPTA & ANR Petitioners
Through: Mr. Krishnendu Datta with
Mr. Rakesh Kumar & Ms. Megha
Agrawal, Advocates
versus

RAJENDERA GUPTA & ORS Respondents
Through: Mr. Suhail Dutt, Senior Advocate
with Mr. Sujoy Kumar, Advocate

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **31.05.2018**

The civil suit (presently registered as CS No.57168/2016) was initially filed on the original side of this Court as CS(OS) No.43/2005. It appears from the order dated 20.04.2018 of the additional district judge where the case is now pending, it having been transferred to district court on account of change of pecuniary jurisdiction, that the case is at the stage of recording of evidence through a local commissioner. It appears the petitioner as the plaintiff of the case, had pressed two of its pending applications, one under Section 151 CPC and the other under Order XXXIX Rules 1 and 2 CPC but the same were not taken up for consideration by the trial court. The view taken in that context that the applications would be considered after recording of evidence is the bone of contention in the petition at hand.

After some hearing, both parties through their respective counsel jointly submit that a direction may be given to the trial court to take up all pending applications for consideration and adjudication, such applications inclusive of an application under Order XII Rule 6 CPC of the defendants. Ordered accordingly.

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

R.K.GAUBA, J.

MAY 31, 2018

srb

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