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

+ LPA 360/2018

RAVINDER PRAKASH PUNJ Appellant

Through: Mr Raman Gandhi, Adv

versus

PUNJ SONS PRIVATE LIMITED

..... Respondent

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **01.08.2018**

CM Nos. 26500-01/2018 (exemptions)

Exemptions are allowed subject to all just exceptions.

Applications stand disposed of.

LPA 360/2018 and CM No. 26499/2018 (stay)

The present appeal has been filed against the order dated 07.05.2018 in execution petition No. 186/2009. The appellant has sought a direction for stay of the suit pending in the trial court. The learned Single Judge dismissed the application. The operative part of the order reads as under:-

“This Court is of the view that the present application is misconceived as the question whether the said suit has to be stayed or not has to be decided by the concerned Court, in the first instance. It is not apposite for this Court to pass any orders in this application while the application for similar relief before the learned ADJ is

pending consideration. This Court has no doubt that the concerned Court shall have due regard to the order of the Supreme Court while considering the said application.”

We find no infirmity in the order passed by the learned Single Judge. Appellant, if so advised, may approach the concerned Court to which Mr Gandhi submits that he has already filed an application under Order VII Rule 11 of the Code of Civil Procedure, 1908. The appellant shall also bring to the notice of the concerned Court, the order passed by the Supreme Court of India.

At this stage, Mr Gandhi submits that the application under Order VII rule 11 of the CPC has been pending for more than seven months. Leave granted to Mr Gandhi to make an application for early hearing. We have no hesitation in saying that in case such an application for early hearing is made, the same would be considered favourably by the concerned Court.

With these directions, the appeal is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 01, 2018
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