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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 780/2018**

IQBAL AHMED Petitioner
Through: Ms. Fizani Husain, Advocate.

versus

MOHD HANIF NAQSH QURESHI Respondent
Through: None.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **16.07.2018**

CM.APPL. 27705/18 (Ex.)

Exemption allowed subject to all just exceptions.

The application is disposed of.

CM(M) 780/2018

Vide the present petition, the petitioner assails the impugned order dated 07.05.2018 of the learned Trial Court whereby an application under Section 151 of the CPC dated 24.08.2017 filed by the defendant, i.e., the present petitioner seeking the vacation of order dated 24.04.2014 was declined. A perusal of the order dated 24.04.2014 in CS No.198/13 indicates that it had been observed therein to the effect that keeping in view the fact that the defendant has admitted that the plaintiff to be in possession of the first floor and the defendant has also admitted that he has no intention to forcibly

dispossess the plaintiff from the first floor of the property without due process of law, therefore, the defendant, his agents, etc were restrained from dispossessing the plaintiff from the first floor of the property as shown in red colour in the site plan without due process of law with their being further observations in the said order dated 24.04.2014 to the effect that the plaintiff would be seeking appropriate remedies in relation to dis possession from the other tenanted portions.

At this stage, in view of the observations in the impugned order dated 07.05.2018 and observations in order dated 24.04.2014 and submissions that were made by the defendant to that suit, i.e., CS No.198/13, i.e, the present petition, to the effect that the petitioner had no intent to forcibly dispossess the plaintiff to that suit, i.e., the respondent to the present petition from the said premises, learned counsel for the petitioner seeks to confine the prayer made by the petitioner in the present petition to the extent that the expeditious disposal of proceedings in CS No.198/13 be directed.

It is submitted on behalf of the petitioner that the suit was filed on 15.10.2013. On a consideration of the submissions that have been made on behalf of the petitioner, it is apparent that there is no infirmity in the impugned order dated 07.05.2018 vide which the prayer made by the petitioner herein seeking vacation of the order dated 24.04.2014 was declined.

However, it is considered appropriate that the learned Trial Court fixed the matter and is directed to dispose of the civil suit

bearing No.198/13 now bearing no.97734/16 pending before the learned Court of the Civil Judge-03, Central with the status report qua the disposal of the proceedings in relation thereto being called for the date 12.12.2018.

The petition is disposed of accordingly.

Copy of this order be sent to the learned Trial Court.

ANU MALHOTRA, J

JULY 16, 2018/NC