

\$~2

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

+ CM(M) 1306/2012 and CM APPL.20177/2012

BAJRANGI CHAUDHARY ..... Petitioner

Through: Mr. Alok Kumar, Adv. with  
Mr. Amit Kumar Singh, Adv. &  
Mr. Abhishek Paruthi, Adv.

versus

VIJAY BHADANA & ORS ..... Respondents

Through: Mr. Alok Bhachawat Adv. with  
Mr. Shailendra Singh, Adv. for R-1.  
Mr. Santosh Kumar Tripathi, ASC for  
GNCTD with Mr. Shashank Tiwari, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**

% **23.03.2018**

After some hearing, the learned counsel for the first respondent, at whose instance the proceedings in the civil suit (CS No.130/2011) were stayed under Section 10 CPC by the impugned order dated 15.10.2012 on account of pendency of previously instituted suit (CS No.93/2011), fairly concedes that the said order was passed on an application moved prematurely, the pleadings not having been completed, no call having been taken by the trial Court on the issues which arose. Thus, while conceding to the petition at hand being allowed and the impugned order to be set aside and consequently the proceedings in the afore-mentioned suit being revived, he seeks liberty to move fresh application for stay, if made out in law, to be moved after pleadings are completed and issues have been settled.

Ordered accordingly.

The proceedings in the afore-mentioned suit stand revived on the file of the trial Court which shall take up the case on 24<sup>th</sup> April, 2018, on which date the parties shall appear. The time of filing the written statement by the first respondent having lapsed, in the meanwhile, as is submitted by the counsel representing him, he would have the liberty to move appropriate application before the trial Court in such context.

This disposes of the petition and the applications filed therewith.

**R.K.GAUBA, J.**

**MARCH 23, 2018**

**vk**

*CM(M) 1306/2012*

*Page 2 of 2*