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

% *Date of Order: 02.11.2018*

+ **CM(M) 1344/2018 & CM No.46018/2018**

M/S IND SYNERGY LTD Petitioner
Through: Mr. Gaurav Mahajan, Adv.

versus

M/S D S GLOBAL PVT LTD Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

1. In this petition filed under Article 227 of the Constitution of India, the petitioner/Decree Holder seeks a direction to the Court of learned Additional District Judge-04 (South) Saket Courts, New Delhi ('ADJ') to dispose of (a) the application under Order XXI Rule 23 read with Section 151 of the Code of Civil Procedure, 1908 ('CPC') and another application under Order XXI Rule 37 & 38 CPC read with Section 151 CPC and (b) Execution No.7/2018 within one month.

2. After making certain submissions, learned counsel for the petitioner submits that he does not press prayer (b) of the petition. However, he requests that the executing court may be directed to dispose of the pending applications, i.e. under Order XXI Rule 43 read with Section 151 CPC and another application under Order XXI Rule

37 & 38 CPC, in the execution petition. He further submits that the award was passed in their favour on 31.01.2009. The Decree Holder filed an execution petition in the Delhi High Court invoking its original jurisdiction, which was registered as Ex.No.181/2013. Later on, the execution was transferred to the District Courts and was assigned to the learned ADJ. Now the execution is listed on 21.02.2019.

3. In the expediency of justice, the executing Court is directed to dispose of both the above applications, preferably within 3 months from the next date of hearing.

4. The petition along with the pending application, being CM No.46018/2018, is disposed of.

NOVEMBER 02, 2018

"sandeep"

VINOD GOEL, J.