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

+ **CM(M) 443/2019 & CM APPL. 12293-12294/2019**

ABDULLAH SHEIKH ..... Petitioner

Through Mr. A.K. Singla, Sr. Adv. with Mr.  
Shailen Bhatia, Ms. Ekta Nagar, Mr.  
Amit Jain, Ms. Neelam Pathak, Ms.  
Vidushi Chandra, Ms. Saltanat, Advs.

versus

ABDUL NASIR (NOW DECEASED) & ANR ..... Respondent

Through Mr. Sridharan Ram Kumar, Adv. for  
R1 & R2 on advance notice.

**CORAM:**

**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

% **15.03.2019**

**CM APPL. 12294/2019**

Exemption allowed subject to all just exceptions.

Application is disposed of.

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Through submissions that have been brought forth on behalf of either side, it is indicated that vide order dated 06.12.2017 of this Court in FAO 477/2017, the learned Trial Court had been called upon to make an endeavour to dispose of the applications under Order XXXIX Rule 1 & 2 of the CPC and under Order XXXIX Rule 4 of the CPC at the earliest after hearing arguments on the same on 18.12.2017 or on the date fixed soon thereafter with the application under Order XXXIX Rule 4 of the CPC having been filed by the present petitioner and the application under Order

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XXXIX Rule 1 & 2 of the CPC having been filed by the respondent i.e. the plaintiff of the suit.

It has been submitted on behalf of the petitioner herein that the said applications have not yet been disposed of in relation to which a submission has been made on behalf of the respondents qua the proceedings dated 21.07.2018 of the learned Trial Court in TM No. 150/17 whereby it is indicated that the matter is pending in view of the repeated applications having been filed by the petitioner i.e. applications under Order 7 Rule 10 of the CPC and under Order 7 Rule 11 of the CPC qua which the matter had been heard on 21.07.2018 and the same was reserved for orders in relation thereto and it has thus been submitted that the delay, if any, is caused due to the filing of the applications by the petitioner.

In the circumstances, it is considered appropriate that it would suffice that the learned Trial Court disposes of the applications under Order 7 Rule 10 of the CPC, under Order 7 Rule 11 of the CPC, under Order XXXIX Rule 1 & 2 of the CPC and under Order XXXIX Rule 4 of the CPC by the date 15.05.2019.

The petition and the accompanying applications are disposed of accordingly.

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

Copy of the order be given Dasti, as prayed.

**ANU MALHOTRA, J**

**MARCH 15, 2019/MK**

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