

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

% Judgment delivered on: 04th December, 2020

+ **CM(M) 609/2020**

MUHAMMAD AJMAL Petitioner

versus

**ANJUMAN E KHUDDAM QABRISTAN DARGAH
HAZRAT KHWAJA BAKI BILLA & ANR.** Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. M. Sufian Siddiqui, Advocate

For the Respondents: Mr. M.M. Singh, Advocate for R-1
Mr. Wajeeh Shafiq, Advocate for R-2

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

CM APPLN. 31454/2020 (Exemption)

Allowed, subject to all just exceptions.

CM(M) 609/2020

1. The hearing was conducted through video conferencing.
2. Petitioner is aggrieved by order dated 23.11.2020 whereby the Trial Court has directed the listing of the Suit for a long date.
3. Learned counsel for the petitioner contends that suit was filed as far back as on 16.02.1980 and has been pending since then. It is

contended by learned counsel for the petitioner that respondent after getting interim protection on 20.07.1982 has been delaying the progress of the suit.

4. This is disputed by learned counsel appearing for respondent no. 1/plaintiff. Learned counsel contends that the progress was delayed on account of the fact that proceedings had been adjourned sine-die in view of the pendency of another proceedings.

5. Without getting into the controversy and since the Suit has been pending for over 41, trial court is directed to expedite the proceedings and endeavour to conclude the same preferably within a period of six months.

6. Learned counsel for the petitioner/defendant in the Suit submits that the Suit has been listed on 19.12.2020 for a physical hearing and in view of the present pandemic, it would not be possible to physically appear in the proceedings. He prays that the trial court be directed to take up the suit through video conferencing.

7. In view the advisories issued by the High Court, petitioner cannot be asked to appear physically unless the advisory is modified by the High Court, however, recently the High Court has issued a fresh advisory that in case parties do not appear even through virtual mode even after being intimated, the Trial Court is free to proceed in accordance with law.

8. In view of the above, trial court is directed to take up the proceedings through video conferencing and not to list the proceedings for a physical hearing unless all the parties consent to the same.

9. Accordingly, list the Suit for directions before the trial court on 15.12.2020 to set up a schedule for expeditious disposal as directed.

10. Petition is accordingly disposed of in the above terms.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 4, 2020

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