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

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Judgment delivered on: 10.01.2022

+ FAO 9/2022 & CM APPL. 1436-37/2022

INDRAPRASTHA WORLD SCHOOL & ORS. Appellants

versus

MS. CHITRA SRIVASTAVA & ORS. Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Kamal Gupta with Ms. Sparsh Aggarwal, Advocates.

For the Respondent: None.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Appellant seeks setting aside of orders dated 11.11.2021, 27.11.2021, 29.11.2021 and 06.12.2021.
3. Learned counsel for the appellant submits that though the application of the appellant under Order 39 Rule 1 & 2 has not been decided as yet but several observations have been made by the Court in the above orders which in effect decide the application. He further submits that despite respondent having been served repeatedly Court has issued fresh notice.



4. It is observed that the observations of the Court in the above referred orders are only prima facie and cannot amount to an expression of opinion on the merits of the application. In so far as the service of the respondent is concerned, it is informed by learned counsel for the appellant that a Suit for Recovery has been filed by the respondent which is also listed before the same Court tomorrow.

5. Accordingly, this appeal is disposed of with a direction that in case respondents are not served in terms of order dated 29.11.2021, appellant be permitted to serve the respondent through the counsel, who is appearing for the respondent in the suit filed by the respondent that is stated to be listed before the same Court tomorrow itself.

6. Further it is directed that the observations contained in the above referred orders shall be treated as prima facie and not amount to an expression of opinion and the Trial Court shall dispose of the application under Order 39 Rule 1 & 2 filed by the appellant, expeditiously in accordance with law without being influenced by any of the observations referred to in the above orders.

7. Appeal is disposed of in the above terms.

8. 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.

JANUARY 10, 2022/rk