



\$~31 (Appellate Side-2022 list)

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

+ CM(M) 258/2022 and CM APPL. 14252/2022 (exemption)

M K BHARGAVA SINCE DECEASED
THROUGH LRS

..... Petitioner

Through Mr. Praveen Suri, Adv.

Versus

SUKHDEV RAJ ARORA AND ORS
(SINCE DECEASED THROUGH HIS LRS).... Respondent
Through

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

J U D G E M E N T (O R A L)
23.03.2022

%

1. This petition under Article 227 of the Constitution of India seeks a direction to the learned Senior Civil Judge-cum-Rent Controller (“learned SCJ-cum-RC”) to decide ARC 59077/2016, pending before her, within six months and an application under Order XXII Rule 3 of the Code of Civil Procedure, 1908 (CPC), pending before her in a time bound frame.

2. Insofar as the prayer for deciding ARC 59077/2016 is concerned, it is not possible for this Court to pass any such peremptory direction, as the Court is unaware of the volume of work pending before the learned SCJ-cum-RC, especially in view of the manner in which work in courts has been affected over the past two



years during the currency of the COVID 2019 pandemic.

3. As such, qua the prayer to dispose of ARC 59077/2016 within six months, I am only inclined to direct the learned SCJ-cum-RC to dispose of ARC 59077/2016 as expeditiously as possible and keeping in view its priority in the matters pending before her.

4. Insofar as the prayer for disposing of the application under Order XXII Rule 3 of the CPC is concerned, the order-sheets of the learned SCJ-cum-RC to which Mr. Suri has drawn my attention, indicate that this application has been pending since 2018. This fact is specifically noted by the learned SCJ-cum-SC in the order passed by her on 18th December, 2021. On the said date, the application was directed to be put up for orders/clarification on 5th January, 2022. Mr. Suri submits that the application has been heard and there is no need for any clarification in that regard. Subsequent order-sheets reveal that the matter has been directed to be re-notified “for the said purpose” on 20th January, 2022, 16th February, 2022, 4th March, 2022, 16th March, 2022 and, now, on 1st April, 2022.

5. There is obviously no justification for an application under Order XXII Rule 3 of the CPC remaining pending for orders for so many dates.

6. Accordingly, the learned SCJ-cum-RC is directed to ensure that orders on the said application are pronounced on 1st April, 2022.



NEUTRAL CITATION NO: 2022/DHC/001053

7. The petition stands allowed to the aforesaid extent.
Miscellaneous applications stand dispose of.

C. HARI SHANKAR, J

MARCH 23, 2022

r.bararia

