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

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Judgment delivered on: 12.12.2022

+ CM(M) 338/2022 & CM APPL. 17936/2022

SMT REKHA RANI & ORS.

..... Petitioners

versus

AJAY KUMAR SHARMA & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. S.D. Ansari and Mr. I. Ahmed, Advocates
(9810036438).

For the Respondents : Mr. R.K. Singh, Advocate along with
Respondent-in-person.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. After some arguments, Mr. Ansari, learned counsel appearing for the petitioners submits that he would be satisfied, if the learned Trial Court is directed to permit him to take benefit of the statements made in the reply to the application under Order 6 Rule 17 of CPC, 1908 at the time of final arguments.

2. In view of the above, the impugned order is modified only to the extent that the learned Trial Court will consider the contents of the reply to the application under Order 6 Rule 17 at the time of final arguments. It is

needless to say that the aforesaid would be without prejudice to the rights and contentions of the respondents herein.

3. In any case, if there are any admissions by any of the parties in any of the pleadings, it is always open to the parties to base their arguments predicated upon such admissions.

4. Learned Trial Court is requested to expeditiously dispose of the petition inasmuch as, it appears to be a matter which was filed in the year 2009 and endeavour to dispose of the petition within the next six months.

5. In view of the above, the impugned order is modified to the above extent subject to cost of Rs. 5,000/- paid to the respondents within a period of one week.

TUSHAR RAO GEDELA, J

DECEMBER 12, 2022/nd