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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CM(M) 679/2022 & CM No.31178/2022, CM No.31179/2022

SHRI SANJEEV KUMAR Petitioner

Through: Mr.Ashok Kr.Verma, Adv.

versus

SHRI RAJENDRA SHARMA Respondent

Through: Mr.N.S. Negi, Adv.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

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

% 18.07.2022

CM No. 31178/2022 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM(M) 679/2022 & CM No.31179/2022 (stay)

3. The impugned order dated 11th July, 2022 passed by the learned Senior Civil Judge (“the learned SCJ”) in CS 107/20 (*Rajendra Sharma v. Sanjeev Kumar*) rejects the petitioner’s application under Order IX Rule 7 of the Code of Civil Procedure, 1908 as not maintainable and relies, for the said purpose, on a judgment of the Supreme Court in *Arjun Singh v. Mohinder Kumar*¹.

4. After some hearing, Mr. Negi, learned Counsel for the respondent is agreeable, in order to further the interests of justice and



without entering into the issue of the correctness of the impugned order dated 11th July, 2022, for issuance of a direction to the learned Senior Civil Judge to decide, on merits, the petitioner's application under Order IX Rule 7 of the CPC.

5. Accordingly, both parties are directed to appear before the learned SCJ on 22nd July, 2022. The learned SCJ is requested to hear the arguments on the petitioner's application under Order IX Rule 7 of the CPC on the said date and dispose of the said application as expeditiously as possible.

6. The learned SCJ is also directed to pronounce orders on the Order XII Rule 6 application of the respondent only after the expiry of at least one week from the decision on the petitioner's application under Order IX rule 7 of the CPC.

7. This petition stands disposed of in the aforesaid terms. CM 31179/2022 also stands disposed of accordingly.

C.HARI SHANKAR, J

JULY 18, 2022/kr

¹ AIR 1964 SC 993