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

+ CM(M) 1200/2022 & CM APPL. 48040/2022

MOHD. AFZAL KHAN

..... Petitioner

Through: Mr. Vishal Gera, Ms. S.
Yasmini and Ms. Teresa Kaushal, Advs.

versus

FAIZ AHMED @ FAZI & ANR.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

10.11.2022

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1. This petition under Article 227 of the Constitution of India seeks a direction to the learned Addl. District Judge (the learned ADJ) to decide CS 105/2015 (*Mohd. Afzal Khan v. Faiz Ahmed @ Fazi*) expeditiously and within a specific time frame.

2. I have already opined, in cases after cases, that unless the orders passed by the court below indicate that the court is not proceeding with required urgency, this Court is loath to fix time frame for proceedings before the trial courts.

3. Mr. Vishal Gera, learned Counsel for the petitioner, however, submits that, the petitioner has filed an application under Order XXXIX Rule 10 of the CPC on 11th December 2019 on which arguments had been concluded and the matter listed for orders on 15th April 2020. However, it is contended that, without passing any orders, the same learned ADJ who had listed the matter for orders on 15th

April 2020 re-listed for matter for arguments on 28th May 2021.

4. The application is still pending and, in the interregnum, it is stated that there has been a change of the presiding officer.

5. It is sated that the matter is next listed before the learned ADJ on 15th December 2022.

6. In the circumstances, this petition is disposed of with the request to the learned ADJ to take up and decide the application filed by the petitioner under Order XXXIX Rule 10 of the CPC on 15th December 2022 and to pass orders thereon, either on the same day, or thereafter, as expeditiously as possible.

C.HARI SHANKAR, J

NOVEMBER 10, 2022

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