

\$~52

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

%

Judgment delivered on: 17.01.2023

+ CM(M) 63/2023

NEERAJ VERMA

..... Petitioner

versus

STATE AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : In person

For the Respondent : Mr.Jawahar Raja, Adv. for R1.
Mr.Dhruv Chawla and Ms.Ridhi Pahuja,
Advs. for R2.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 2013/2023-EXEMP.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 63/2023

3. Mr.Neeraj Verma, petitioner appears in person and challenges the order dated 22.10.2022 in IP No. 9/2012 (Old Number), 39/2016 (New Number) titled "*Neeraj Verma Vs. State & Ors.* passed by the learned Trial Court dismissing the application under Section under Sections 24(A) and 27 of the Provisional Insolvency Act, 1920, read with Section 151 CPC, 1908 on the ground that there is no merits in the case.

4. Mr.Verma, petitioner submits that the dismissal without considering the crucial aspects and facts of the case is erroneous and warrants interference by this Court.
5. This court has perused the impugned order and does not find any error for the reasons that admittedly there are number of respondents, to whom the petitioner herein owes lawful dues including permanent alimony to respondent no.10 who was his former wife.
6. This court is of the opinion that by dismissal of the said application, the only consequence is that the petitioner has to lead evidence to prove his insolvency.
7. The order does not prejudice the petitioner in any case. Moreover, having regard to the number of respondents who are likely to lose their lawful dues if such an application is allowed, the learned Trial Court has rightly dismissed the application by virtue of the impugned order.
8. Mr.Verma further submits that there are many other applications filed by him which are still pending for the last 5-6 years in respect of respondent no.10 and not being adjudicated on time.
9. In view of the aforesaid submissions, the learned Trial Court will make all endeavours to dispose of all the pending applications between the parties within two months.
10. Learned counsel appearing for respondent no.2/HSBC bank, on instructions, submits that he has no objection, if the aforesaid direction is passed to the learned Trial Court.
11. Mr.Verma, submits that will produce the evidence within next 15 days and file it before the learned Trial Court.
12. Statement of Mr.Verma is taken on record and he is bound by it.

13. Petitioner shall produce all evidence in his power, custody and possession and place it before the learned Trial Court within the next 15 days.
14. Apart from the above, direction of disposing of the pending applications, the learned Trial Court is also requested to commence the recording of evidence of the parties and endeavour to complete the whole process and decide the evidence as brought on record preferably within the next six months.
15. Mr.Verma, has no objection to the aforesaid directions.
16. In view of the aforesaid, nothing remains to be resolved further.
17. Petition stands disposed of with no order as to costs.

TUSHAR RAO GEDELA, J .

JANUARY 17, 2023
neelam