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

% Judgment delivered on: 24.05.2023

+ CM(M) 149/2023, CM APPL. 12699/2023 & CM APPL. 24961/2023

DEEPTI GUPTA

..... Petitioner

versus

RAJIV SODHI AND OTHERS

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Praveen Kumar, Advocate
alongwith petitioner

For the Respondent : Mr. Anchit Sharma, Advocate for R-2
& 3.
Mr. Ankur Bansal and Mr. Sadre Alam,
Advocates for R-4 & 5.
Mr. Puneet Yadav, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

With the consent of parties, the petition is taken up for disposal.

1. The petitioner challenges the order dated 21.12.2022 passed in CS SCJ No. 412/2021 titled '*Deepti Gupta vs. Rajiv Sodhi*' whereby the learned Trial Court has taken up nine applications for consideration out



of which six were disposed of and three are stated to be still pending.

2. This Court has perused the impugned order and also heard the arguments of the learned counsel appearing for the respective parties. After hearing of the submissions of learned counsel for the respective parties, this Court had noted that the learned Trial Court in the impugned order at pages 35 and 36, which is a docket order, noted with pain and anguish that it was unable to hear further arguments for the reason that the plaintiff and the counsel for defendants had heated arguments which were interrupting the hearing of the applications as also creating difficulty in maintaining decorum of the Court.

3. Learned Trial Court despite the aforesaid difficulty had still passed orders in six applications based on the contentions in the applications.

4. No doubt that the learned Trial Court had been under a great anxiety on account of the above disturbance which had occurred on 21.12.2022, however, this Court deems it appropriate for the learned Trial Court to pass orders on those applications, after granting time to both the parties and their counsel to address arguments afresh.

5. Learned counsel appearing for the respective parties before this Court have given an assurance as Officers of the Court that the parties as also the arguments which will be addressed will be conducted in a civil manner and they will not given any occasion for the learned Trial Court to make observations like the one made on 21.12.2022.

6. With the solemn assurance given by the learned counsel, this Court is of the considered opinion that one opportunity be given to the parties for addressing arguments, which were not possible as recorded in



the order dated 21.12.2022.

7. Accordingly, the impugned order stands set aside with a request to the learned Trial Court to rehear the applications and dispose of the same in accordance with law.

8. It would be appropriate for the learned Trial Court to pass distinct orders on each application, for the reason that every order will have an appropriate and possibly, separate remedies for the aggrieved parties to avail of. In a composite order, the challenges become intertwined and leads to confusion.

9. The learned Trial Court shall take care of the aforesaid observations passed by this Court.

10. Both the parties are directed to appear on 27.05.2023 before the learned Trial Court, who may re-fix the dates of hearing in accordance with the convenience of the Court.

11. In view of the aforesaid the petition is allowed to the aforesaid extend with the aforesaid directions to the learned Trial Court.

12. Pending application, if any, also stands disposed of.

13. Date already fixed in the matter 09.08.2023 stands cancelled.

नस्यमेव जयते

TUSHAR RAO GEDELA, J.

MAY 24, 2023

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