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

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Judgment delivered on: 11.04.2023

+ CM(M) 568/2023
SUNIL KUMAR

..... Petitioner

versus

ANKUR JAIN AND ORS.

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Avi Singh, Mr. Shikhar Garg and Mr. Sunil Kumar, Advs.

For the Respondent : None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 17253/2023 and 17254/2023 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 568/2023, CM APPL. 17251/2023 & CM APPL. 17252/2023

3. Mr. Avi Singh appearing for the petitioner submits that the petitioner had filed the contempt application on 14.04.2022. Learned counsel submits that though the notice was issued, however, neither reply has been filed nor has the learned Trial Court adjudicated the said contempt application.

4. Learned counsel further submits that the petitioner had also filed second contempt application on 21.01.2023, however, no notice yet on the said contempt application has been issued till date.
5. Learned counsel submits that an application under Order XV Rule 5 of CPC, 1908 was filed on 26.08.2022 seeking direction to the respondent to deposit arrears of monthly charges, which is still pending before the learned Trial Court since then.
6. Learned counsel makes a request that a direction to the learned Trial Court be issued to hear and dispose of the aforesaid applications expeditiously. Learned counsel submits that the advance copy of the present petition has already been served upon the learned counsel for respondents on 08.04.2023.
7. This Court proceeds to dispose of the instant application in accordance with Delhi High Court Circular No. 69/Rules/DHC dated 05.12.2019, which reads as under:-

“5. Appearance on the first date of listing:-

(a) Where a Civil Miscellaneous (Main) Petition under Article 227 of the Constitution of India or Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 is filed, any opposite party desiring to oppose any of the prayers made in such petition or in any interim application accompanying such petition shall appear personally or through counsel to make submissions as he / she may desire before the Court.

(b) In case any opposite party does not appear before the Court upon advance service of the petition, the Court may not issue any further notice to such opposite party and may pass any order(s) as it may deem fit and proper in the facts and circumstances of the case.”

8. Since the only prayer sought by the petitioner is in respect of a direction to the learned Trial Court to hear the pending applications, notice to respondent is dispensed with.

9. It is also informed that the matter is listed for consideration before the learned Trial Court on 12.04.2023.

10. In view of the aforesaid, this court deems it fit that the learned Trial Court takes up these pending applications on 12.04.2023 or soon thereafter, accordingly to its convenience and dispose of the same one way or the other, expeditiously and any other pending applications, in accordance to the nature of its urgency.

11. The aforesaid petition is disposed off with no order as to costs.

12. Copy of this order be given *dasti* under the signature of Court Master.

TUSHAR RAO GEDELA, J

APRIL 11, 2023/at