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

Date of decision: 04.10.2023

+ CM(M) 1370/2023

SH. VIJENDER KUMAR SHARMA (SINCE DECEASED)
THROUGH HIS LRS Petitioner

Through: Mr. Arpit Sharma and Mr. Aman
Bhardwaj, Advocates

versus

AJAY KUMAR SHARMA & ANR. Respondent

Through: None

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 43419/2023 (for exemption)

Exemption is allowed, subject to all just exceptions.

Accordingly, the present application is disposed of.

CM(M) 1370/2023

1. This petition filed under Article 227 of the Constitution of India seeks appropriate direction to the ADJ, Shahdara District, Karkardooma Courts, Delhi ('Trial Court'), to expeditiously dispose of an application filed by the defendants i.e., Respondents herein under Order IX Rule 7 of the Code of Civil Procedure, 1908 ('CPC').

2. At the outset, learned counsel for the Petitioner states that in this



petition, he is seeking a limited direction to the Trial Court to expedite the trial.

2.1 He states that the Respondent Nos. 1 and 2 are the only two defendants in the civil suit.

2.2 He states that the suit was filed in the year 2014 and the said two Respondents were proceeded ex parte on 22.08.2017. He states that thereafter Respondent Nos. 1 and 2 filed an application under Order IX Rule 7, CPC on 20.03.2018, however, they have not come forward to address arguments on their application and therefore the proceedings before the Trial Court have been stalled.

2.3 He prays that a direction be issued to the Trial Court to decide the said application filed by the defendants in a time bound manner so that the trial can proceed. He states that the matter is next listed before the Trial Court on 07.10.2023.

3. None appears on behalf of the Respondents despite advance service.

4. This Court has perused the order sheet of the Trial Court placed on record. The submissions of the Petitioner are duly borne out from the orders of the Trial Court. The matter has remained pending at the stage of pleadings for nine (9) years.

5. In view of the submissions made by the counsel for the Petitioner, the learned Trial Court is requested to hear and decide the application filed by the Respondents under Order IX Rule 7 CPC preferably within one (1) month from 07.10.2023, the date already fixed before the Trial Court; in accordance with law.

6. It is made clear that this Court has not examined the merits of the rival contentions of the parties with respect to Order IX Rule 7 CPC application



filed by the Respondents before the Trial Court.

7. With the aforesaid directions, the present petition stands disposed of.

OCTOBER 4, 2023/msh/sk

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any