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

Date of decision: 13.09.2023

+ CM(M) 1482/2023

SHRI GULSHAN KUMAR

..... Petitioner

Through: Mr. Naresh Gupta and Mr. Rachit Gumber, Advocates

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Arun Birbal and Mr. Sanjay Singh, Advocate for DDA

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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. 47133/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1482/2023

1. This petition has been filed under Article 227 of the Constitution seeking a direction to the Trial Court to hear and decide the application filed by the Petitioner herein on 04.04.2018 under Order I Rule 10 read with Order XXII Rule 10 of the Code of Civil Procedure, 1908 ('CPC').

2. The learned counsel for the Petitioner states that the Petitioner is the legal representative of the deceased plaintiff Shri Naresh Kumar.

2.1. He further states that this application has been heard by the Trial Court on several dates and orders were also reserved on 06.09.2022.

2.2. He states that the matter has been listed thereafter, however, orders are still awaited. He states that the matter is next listed before the Trial Court on



23.09.2023.

3. Issue notice. Learned counsel for the Respondent accepts notice.

3.1. The learned counsel for the Respondent states that the Respondent disputes that the Petitioner herein is the legal representative of the deceased plaintiff i.e., Naresh Kumar.

3.2. He states, however, he has no objection to the limited relief sought by the Petitioner with respect to early disposal of the aforesaid application pending before the Trial Court.

3.3. He states that there are several other rival claimants, who are claiming themselves to be the owner of the suit property.

4. This Court has considered the submissions of the parties and perused the orders of the Trial Court placed on record at annexure P-15.

5. In view of the fact that the Presiding Officer had heard the arguments in this matter on several dates, the learned Trial Court is requested to hear and decide the application of the Petitioner expeditiously and preferably within a period of one (1) month from 23.09.2023, the date already fixed before the Trial Court.

6. It is clarified that this Court would not examine the merits of the averments made by the Petitioner in this petition or the defence raised by the Respondent. The Trial Court is requested to hear and decide the application in accordance with law.

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

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 13, 2023/rhc/sk

[Click here to check corrigendum, if any](#)