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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 152/2024**
SWAMI CHAKRAPANI, NATIONAL PRESIDENT AKHIL
BHARAT HINDU MAHASABHA Petitioner
Through: Mr. Rajesh Raina, Adv.
versus

ELECTION COMMISSION OF INDIA AND ORS Respondents
Through: Mr. Sameer Vashisht, ASC (Civil),
GNCTD with Ms. Harshita Nathrani,
Adv. for R-7.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **25.01.2024**

CM APPL. 4721/2024 (exemption)

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

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3. The present petition has been filed under Article 227 of the Constitution of India seeking directions to the learned Trial Court for early disposal of the application under Order XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908 ("CPC") filed by the petitioner in Civil Suit bearing no. 224 of 2022 titled as "Swami Chakrapani Ji Maharaj vs. Election Commission of India & Ors." pending before learned Additional District Judge, Patiala House Courts, New Delhi and is now listed on 03.02.2024.
4. It is submitted on behalf of the petitioner that civil suit for declaration bearing no. 224/2022 was filed by the petitioner in the month of May, 2022 along with application under Order XXXIX Rule 1 & 2 CPC and since then, the application is pending and has not been disposed of.



5. Learned counsel submits that arguments on the application were addressed, however, for almost one and a half year, no order could be passed and in the meanwhile, the learned Predecessor Judge of the Trial Court was transferred and since then the application has not been heard.
6. It is also submitted that the petitioner herein had moved an application for early hearing / pre-ponement of date of hearing before the learned Trial Court for disposal of application under Order XXXIX Rule 1 & 2 CPC, however, the said application was also listed for date of hearing i.e. 03.02.2024.
7. It is submitted that the petitioner has been deprived of its democratic right to contest elections and there is urgency in the matter.
8. It is further submitted that learned Trial Court be directed to expeditiously dispose of application under Order XXXIX Rule 1 & 2 CPC filed by the petitioner, by granting day to day hearing of the same within a period of 15 days in the interest of justice.
9. It is also submitted that advance notice of the present petition was served upon the respondents through e-mail.
10. In view of the above submissions, learned Trial Court is directed to take up the application of the petitioner under Order XXXIX Rule 1 & 2 CPC for hearing on the date already fixed i.e. 03.02.2024 and to expeditiously dispose it off within a period of 15 days thereafter as per law.
11. With these directions, petition stands disposed of.

SHALINDER KAUR, J.

JANUARY 25, 2024/ss