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

+ **CM(M) 1844/2024**

STATE BANK OF INDIA

..... Petitioner

Through: **Mr. Pramtosh Mishra and Mr.
Kaushlendra D. Pandey, Advs.**

versus

KAVITA DEVI & ANR.

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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09.02.2024

CM APPL. 8051/2024—Exp.

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

CM(M) 1844/2024 and CM APPL. 8050/2024—stay

3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 01.02.2024 passed by the learned Additional District Judge-01, Central district, Tis Hazari Court, New Delhi, in CS DJ No.18/2024 titled as “*Kavita Devi vs. State Bank of India and Anr.*”, whereby the learned Trial Court erroneously restrained the petitioner from selling the suit property. The petitioner herein is the plaintiff before the learned Trial Court.
4. After making some submissions, the learned counsel for petitioner submits that he want to withdraw the present petition and seeks directions for the learned Trial Court to dispose of the application pending on behalf of the petitioner herein under Order VII Rule 11 Code of Civil Procedure, 1908 within one month.



5. It is further submitted that the matter is listed before learned ADJ-11, (Central), Tis Hazari Court, Delhi for 24.02.2024, however, in the order about the application moved by the petitioner under Order VII Rule 11 Code of Civil Procedure, 1908 is not mentioned, which was brought to the notice of the learned Trial Court, same was not considered by the learned Trial Court and the petitioner was directed to file the written statement.
6. It was submitted that the non-disposal of the application under Order VII Rule 11 CPC will have serious repercussions on the auction proceedings which are to be conducted with respect to the suit property.
7. In view of the above submissions, the learned Trial Court is directed to take up hearing the application moved on behalf of the defendant no. 1 under Order VII Rule 11 Code of Civil Procedure, 1908 on the next date fixed before it and to dispose of the same preferably within one month.
8. In view of the above directions, the petition stands disposed of.

SHALINDER KAUR, J.

FEBRUARY 9, 2024/SDS