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

+ **CM(M) 1858/2024**

SHRI VIKRAM SHARMA

..... Petitioner

Through: Dr. Gyanendra Kumar Sharma, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vivekanand Mishra, SPC with
Mr. Rahul Kumar Sharma, GP for R-
1, 2 & 3/ UOI.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

13.02.2024

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1. The present petition has been filed under Article 227 of the Constitution of India seeking directions for expeditious disposal of the Suit bearing no. 59417/2016 titled 'Vikram Sharma v. Union of India and Ors' pending before the Court of learned Additional District Judge-03, Patiala House Courts, New Delhi (hereinafter 'the Trial Court').

2. Learned counsel for the petitioner submits that the petitioner has instituted the suit in the year 2016 for damages and compensation which is pending for framing of issues before the learned Trial Court. The Suit is going on at a snail's pace, however, the petitioner himself has hardly taken two to three adjournments in the matter. The petitioner herein is Senior Citizen aged about 74 years, therefore, his case should be treated as a special



case under the category of senior citizens. However, the trial before the learned Trial Court is not advancing. It is submitted that in these circumstances, the learned Trial Court be directed to dispose of the Suit of the petitioner expeditiously in a time framed manner.

3. The learned counsel, drew the attention of this Court to the various order passed by learned Trial Court since the institution of the suit to impress upon the argument that substantial delay is being caused in disposal of his suit.

4. Apart from hearing arguments, record has been pursed. The Suit was instituted before the learned ADJ on 08.12.2016 and after being satisfied about the maintainability of the same, the summons of the Suit were issued to the defendants on 20.01.2017. The services of the defendants except for defendant no. 4, was complete and vide orders dated 29.03.2017, and the Suit was posted for completion of pleadings with respect to other defendants and service of defendant no.4.

5. However, on 27.11.2017, an application under Order I Rule 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') was filed by the proposed defendant no. 5. In the meanwhile, the defendant no.4 had put in appearance on 27.03.2018, and along with written statement also filed an application under Order VII Rule 11 of the CPC. Since then, the trial is protracted for the disposal of the interim applications i.e. application under Order VII Rule 11 and Order 1 Rule 10 of the CPC. It is submitted that the application under Order VII Rule 11 of the CPC is listed on 21.03.2024 before the learned Trial Court before for arguments.

6. In view of the fact that the applications under Order 1 Rule 10 and Order VII Rule 11 of the CPC are pending disposal since 27.11.2017 and



27.03.2018, the learned Trial Court is directed to take up both the applications for hearing on the date of hearing already fixed before it for 21.03.2024 and to dispose of the application preferably within three weeks from today. Subject to the outcome of the applications, keeping in view the petitioner herein is a senior citizen, the learned Trial Court is further directed to expeditiously dispose of the Suit and to give short adjournments, as per its convenience.

7. With the above observations, the present petition is disposed of.

SHALINDER KAUR, J

FEBRUARY 13, 2024

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