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

+ CM(M) 1877/2024
PUSHPA

..... Petitioner

Through: Ms. Aditi Gupta, Adv. (DHCLSC)
along with petitioner in person.

versus

SH. GYAN SWAROOP & ANR.

..... Respondents

Through:

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
16.02.2024

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CM APPL. 9165/2024 (Exp)

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

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3. The present petition under Article 227 of the Constitution of India has been filed by the petitioner who is plaintiff no.1 before the learned Trial Court in a Civil Suit bearing no. CIV DJ No. 12890/2016 for partition pending before the Court of learned ADJ-01 (West), Tis Hazari Court, Delhi. The respondent no.1 who is the petitioner herein, is the defendant before the learned Trial Court.
4. It is submitted that the suit for partition was filed back in the year 2014 before this Court, however, on account of issue regarding pecuniary jurisdiction it was transferred to the District Court.
5. It is submitted that the respondent is habitual in filing frivolous



applications and delaying the proceedings of the case.

6. It is submitted that in one way or the other he is creating hurdles therefore, the trial of case is not progressing.

7. It is further submitted that the present case is at the stage of recording of the evidence of the respondent. He has filed list of eight witnesses without disclosing the relevancy of the witnesses to be examined in the suit.

8. It is also submitted that in order to further delay the proceedings he has moved an application under Order VII Rule 11 CPC at this stage, which is listed for disposal before the learned Trial Court in March, 2024.

9. Furthermore, whenever the cost is imposed on the respondent the same are being paid by him belatedly.

10. It is submitted that in these circumstances, the learned Trial Court be directed for expeditious disposal of the suit in time bound manner.

11. Apart from, the perusal of the record the learned counsel for the petitioner has taken this Court various orders passed by the learned Trial Court. The petitioner is stated to be a senior citizen.

12. In view of the circumstances and the submissions made by learned counsel, learned Trial Court is directed to expeditiously dispose of the suit preferably within a period of six(06) months.

13. With above directions, the present petition stands disposed of.

SHALINDER KAUR, J.

FEBRUARY 16, 2024/SDS/km