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

+ **CM(M) 2048/2024**

SMT RASHMI MADAN

..... Petitioner

Through: Mr. Ajay Kumar, Adv.

versus

SHRI RAJESH KUMAR GARG

..... Respondent

Through: Mr. Rajeev Saxena, Adv with
respondent in person.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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06.03.2024

CM APPL. 13961/2024—Exp.

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

CM(M) 2048/2024 and CM APPL. 13962/2024--stay

3. The present petition has been filed under Article 227 of the Constitution of India impugning the order dated 10.10.2023 passed in C.S. No. 57449/2016 by the Civil Judge-01, Patiala House Courts, New Delhi (hereinafter referred as 'Trial Court'), whereby the application moved on behalf of the respondent herein under Order XVI Rule 1 of the Code Of Civil Procedure, 1908 (hereinafter referred to as 'CPC') was allowed.
4. Issue notice.
5. Learned counsel for the respondent puts in appearance on advance notice and accepts notice.



6. Learned counsel for the respondent submits that the petitioner herein has already moved a review application with respect to the impugned order before the learned Trial Court which is pending disposal.

7. Learned counsel for the petitioner concedes to the same and submits that he wants to withdraw the present petition as he wants to press the review application filed before the learned Trial Court and till the review application is decided the proceedings before the learned Trial Court be stayed. It is submitted that the matter is listed for 14.03.2024 before the learned Trial Court.

8. Learned counsel for the respondent submits that the reply to the review application is yet to be filed. Which he shall file on or before 14.03.2024.

9. The learned Trial Court is directed to hear the arguments on review application on 14.03.2024 and dispose of the application within one week, and, thereafter, list the matter for recording the evidence.

10. It is made clear that in case the official witnesses summoned on behalf of the respondent shall appear before the learned Trial Court on 14.03.2024, the diet money of the said witnesses shall be paid by the petitioner herein.

11. With above observations, the petition stands disposed of.

SHALINDER KAUR, J

MARCH 6, 2024

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