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

+ CM(M) 256/2021, CM APPL. 11306/2021--stay

MD IMTIYAZ AHMAD & ANR. Petitioners

Through: Mr. S.K. Alok, Adv.

versus

SMT DEEPALI GHOSH & ANR. Respondents

Through: Mr. Rahul Sharma, proxy counsel for
respondent no.1.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

29.04.2024

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1. The present petition under Article 227 of the Constitution of India arises out of the order dated 12.02.2021 passed by the Learned Additional District Judge-01, Kakardooma Courts, East, New Delhi in Ex No.92/2019 and the ex-parte judgement dated 10.12.2018 passed by the Learned Additional District Judge-01, Kakardooma Courts, East, New Delhi in CS No. 260/2018 titled as “Reema Verma vs Deepali Ghosh” (hereinafter referred to as “Execution Court”) vide which the suit filed by the respondent no. 2/plaintiff has been decreed ex-parte against the respondent no.1.

2. The Learned counsel for petitioners submits that they are aggrieved by the said order as the learned Execution Court has passed the impugned order without disposing of their application moved under Order XXI Rule 97 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”).



3. The Learned counsel for petitioners submits that he wishes to withdraw the present petition with liberty to address arguments before the learned Execution Court and the said Court should hear the arguments on the application and thereafter dispose of the same expeditiously.
4. The same is objected to on behalf of the respondents, submitting that it may delay the proceedings further as the application under Order XXI Rule 97 of the CPC may not be disposed of for long.
5. In view of the submissions, the permission to withdraw is granted with liberty to move before the learned Execution Court for disposal of the application under Order XXI Rule 97 of the CPC.
6. It is submitted that the next date of hearing before the learned Execution Court is 09.07.2024 and on that day, the learned Execution Court is directed to hear the arguments and to dispose of the application within two weeks of hearing the arguments. It is also made clear that no adjournments on whatsoever grounds shall be allowed by the learned Execution Court to parties to address arguments on the said application.
7. Permission to withdraw with liberty as per the law and as prayed for is granted.
8. Accordingly, the present petition along with pending applications stands disposed of.

SHALINDER KAUR, J.

APRIL 29, 2024
SDS