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

% ***Date of decision: 22nd October, 2024***

+ **CM(M) 569/2019 & CM APPL. 14845/2019**

MANJU GANGULI & ANRPetitioner

Through: **Mr. S.K. Bhaduri, Advocate**
(through V.C.)

versus

SANJAY GUPTARespondent

Through: **Mr. Visheshwar Shrivastav with**
Mr. Manoj Kumar Gautam, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Respondent herein has filed a suit seeking specific performance and permanent injunction.
2. The case is already at the stage of final arguments.
3. Petitioners are, however, defendants in such suit and are aggrieved by order dated 01.12.2018 whereby their application moved under Order XVI Rule 1 CPC has been dismissed.
4. The Court has seen the list of witnesses whom the petitioners sought to examine.
5. During course of the arguments, Sh. S.K. Bhaduri, learned counsel for the petitioners has restricted his request to only summon the concerned Court official with the relevant record. Learned counsel for the petitioners states that he simply wants to place on record *summoning order* passed by the concerned learned Metropolitan



Magistrate on 08.05.2013. It is also assured that requisite steps would be taken immediately and every endeavour would be made to place on record certified copy of such summoning order within two weeks from today.

6. Learned counsel for the respondent states that he also does not want to delay his own suit and would have no objection if the above said certified copy is permitted to be placed on record, without summoning any official and the learned Trial Court may consider the same as well while hearing final arguments.

7. Learned counsel for the respondent states that he may also be given opportunity to place the same on record so that there is no further unnecessary delay in disposal of the suit.

8. It is apprised that the case is already at the stage of final arguments and is listed next week.

9. Keeping in mind the limited request made by learned counsel for the petitioners, who now submits that he merely wants to place on record the aforesaid summoning order and does not wish to summon any witness, the present petition is disposed of with direction to the petitioners to take requisite steps for the purposes of obtaining certified copy of such summoning order and to place it on record before the learned Trial Court, preferably, within a period of two weeks from today.

10. As noted above, the opportunity is also given to the respondent to place on record such certified copy.

11. Once it is placed on record, learned Trial Court may, as agreed by both the sides, consider the same and after hearing the arguments,



dispose of the suit in accordance with law.

12. The petition stands disposed of accordingly.

13. Copy of the order be given dasti under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

OCTOBER 22, 2024
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