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

+ **CONT.CAS(C) 607/2024 & CM APPL. 21478/2024**

DR ASHU AGARWAL

..... Petitioner

Through: Mr. Vansh Gandotra, Mr. Naman
Sabharwal, Mr. Kartik Gandotra,
Advocates (M:9810821771)

versus

PERFECT WELLNESS PVT LTD & ORS.

..... Respondents

Through: Mr. Saket Gogia, Ms. Sheetal
Maggon, Advocates (M:9739046560)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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10.04.2024

CM APPL. 21478/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CONT.CAS(C) 607/2024

3. The present petition has been filed alleging willful disobedience of the order dated 13th September, 2023 passed by this Court in *CRL. M.C. 6580/2023* and order dated 03rd January, 2024 passed by the learned Trial Court in *CT Case No. 2997/2020*.
4. Learned counsel for petitioner has drawn the attention of this Court to the order dated 13th September, 2023 passed by this Court in *CRL. M.C. 6580/2023*, wherein, the following directions have been issued:

“xxx xxx xxx

7. Counsel for the respondent states that he has no objection if the complaint is disposed of in an expeditious manner.



*8. Taking into account that the complaint has been pending for a period of eight years, the learned Metropolitan Magistrate is directed to decide the present case within a period of four months from today.
xxx xxx xxx”*

5. By referring to the aforesaid order, it is submitted that the trial had to be completed within a period of four weeks, i.e., by 13th January, 2024.

6. Learned counsel for petitioner also draws the attention of this Court to the order dated 03rd January, 2024 issued by the learned Trial Court in *CT Case No. 2997/2020*, wherein it was specifically directed that the respondents shall appear physically before the court on the next date of hearing.

7. Learned counsel for petitioner submits that despite various orders passed by the learned Trial Court, respondent no.2 has not been appearing physically. Thus, he submits that on account of the same pronouncement of sentence has not taken place as yet.

8. Issue notice. Notice is accepted by learned counsel for respondents.

9. She submits that judgment has already been pronounced by the Trial Court on 31st January, 2024 and arguments on sentence of the respondents were concluded on 26th February, 2024. She further submits that the matter is next listed before the learned Trial Court on 15th April, 2024. She undertakes that the respondents shall be present physically before the learned Trial Court on the next date of hearing, i.e., 15th April, 2024.

10. The aforesaid undertaking given by learned counsel for respondents is taken on record. The respondents are held bound by the aforesaid undertaking. It is further directed that in case the order on sentence is not pronounced on the next date of hearing, the respondents shall appear before the learned Trial Court on any subsequent dates that may be fixed by learned



Trial Court, unless specifically exempted by the learned Trial Court.

11. Accordingly, no further orders are required to be passed in the present petition for the time being.

12. In view of the aforesaid, the present petition is disposed of.

13. However, liberty is granted to the petitioner to revive the present petition, in case any grievance still survives.

MINI PUSHKARNA, J

APRIL 10, 2024

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