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

+ **CM(M) 2484/2024**

PRAGYA SAINI

..... Petitioner

Through: **Mr. Gagan Mathur, Adv.**

versus

M S OM PRAKASH AND CO AND ORS

..... Respondents

Through: **Mr. Kailash Chand Goel, Ms. Rashmi Verma and Ms. Shweta Singh, Advs. for R-1.**

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **10.05.2024**

CM APPL. 26000/2024—Exp.

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

CM(M) 2484/2024, CM APPL. 25999/2024—stay

3. The present petition under Article 227 of the Constitution of India has been filed impugning the orders dated 11.08.2023, 30.01.2024 & 26.02.2024 passed by learned ADJ-01, South-East District, Saket Court, New Delhi in Ex. No. 685/2018 titled as “*Om Prakash vs. VNM Components (P) Ltd.*”.
4. Learned counsel for the petitioner submits that the petitioner is one of the proposed legal heirs of deceased judgment debtor no. 4 before learned Trial Court, however, till date, the application moved on behalf of the decree holder has not been decided under Order XXII Rule 4 of the Code of Civil Procedure, 1908 by the learned Trial Court, therefore, the legal heirs of the



deceased judgment debtor no. 4 are not on record till date.

5. Mr. Kailash Chand Goel, learned counsel for the respondent no. 1 appears on advance notice and submits that the present petition is not maintainable as petitioner is yet not a party before the learned Trial Court. It is submitted that application could not be decided as particulars of legal heirs have not been furnished and learned Trial Court has given direction to petitioner herein to furnish the particulars.

6. Learned counsel for the petitioner submits that particulars of the legal heirs of deceased judgment debtor no. 4 shall be furnished within three days before the learned Trial Court. Same be furnished with an advance copy to the opposite side.

7. It is also submitted that case is listed before learned Trial Court on 13.05.2024.

8. On furnishing the particulars, the learned Trial Court to hear the application on same date of hearing i.e. 13.05.2024 and to make endeavour to dispose of the application either on the same day or within a week thereafter.

9. In view of the above, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to approach afresh, as per law, if required.

10. Permission granted to withdraw with liberty as prayed for.

11. Accordingly, the present petition along with the pending application is disposed of.

SHALINDER KAUR, J.

MAY 10, 2024/ss