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

+ **C.R.P. 147/2024**

VIJAY GAUR

..... Petitioner

Through: **Mr.Anirudh Sharma and
Mr.Suriya, Advocates.**

versus

RAJENDER BHANDARI & ORS.

..... Respondents

Through: **Mr.Ankit Gupta, Advocate for
R-1.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

16.05.2024

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CM APPL. 28072/2024

1. This application is moved seeking for an early hearing.
2. The matter is taken up for hearing today.
3. The application is disposed of.

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4. After some arguments, learned counsel for the petitioner requests permission to withdraw the present revision petition. However, it is requested that since the impugned order has not been passed strictly on the law encompassing rigors of Order VII Rule 11 CPC, he may be permitted to address arguments prior to and independent of addressing the final arguments.
5. It is also pointed out that in the interregnum, an application under Order 11 CPC has also been moved on behalf of the petitioner /defendant before the learned Trial Court for answering certain



interrogatories, the response to which if filed by the respondent, would clinch the issue, that there is no cause of action in favour of the respondent/plaintiff. It is informed that the application is listed for hearing before the learned Trial Court on 31.05.2024.

6. At the outset, since the parties have already led evidence on the matters in issue, and the matter is otherwise ripe for addressing final arguments, the petitioner/defendant cannot be allowed to address his submission in a piecemeal manner in respect of his application under Order VII Rule 11 CPC.

7. In view of the above, the present revision petition is dismissed as withdrawn without prejudice. It would be open to the petitioner/defendant to address arguments on merits, as well as, submission in terms of lack of cause of action and bar as to the reliefs claimed by the respondent/plaintiff. Which of course shall be decided in accordance with law.

8. The date already fixed i.e. 22.05.2024 stands cancelled.

DHARMESH SHARMA, J.

MAY 16, 2024

VLD