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

+ CM(M) 1368/2023, CM APPL. 43405/2023—for dir. To trial Court
for early disposal

SMT ASHA SINGH Petitioner
Through: Mr. Praveen Suri, Adv.

versus

SMT SUNITA SINGH Respondent
Through: None.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
23.02.2024

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1. The present petition has been filed under Article 227 of the Constitution of India seeking directions to the learned ADJ-03, District New Delhi, Patiala House Courts, New Delhi (in short 'Trial Court') for expeditious disposal of the application filed under Order XLVII Rule 1 CPC and Order XX Rule 15 CPC read with Section 151 CPC dated 31.05.2022 as well as application under Order XXIII Rule 1-A CPC read with Section 151 CPC dated 17.07.2023 in CS No. 58662/2016 titled in Smt. Sunita Singh vs. Smt. Asha Singh”.

2. Learned counsel for the petitioner submits that the respondent had filed the civil suit No. 58662/2016 for partition wherein the petitioner has been arrayed as the defendant. It is submitted that the preliminary decree was passed on 24.01.2019 on the basis of statement of parties and thereafter a Local Commissioner was appointed who filed two reports. However in the meanwhile on 24.05.2022, the respondent herein withdrew the suit when it



was at the stage of passing of final decree. Aggrieved by said withdrawal, the petitioner herein has preferred the review application under Order XLVII Rule 1 and Order XX Rule 15 CPC read with Section 151 CPC on 31.05.2022. Subsequently, he filed another application under Order XXIII Rule 1-A Code of Civil Procedure, 1908 dated 17.02.2023. Both the applications are pending disposal even though the reply to both the applications have been filed. It is submitted that the petitioner herein is aggrieved by the said delay being caused in disposal of his applications. It is submitted that in the background of the said facts and circumstances, the learned Trial Court be directed to expeditiously dispose of the case within the period of 3-6 months.

3. Apart from hearing the arguments, the impugned order and the record has been perused. The learned counsel has also brought to the notice of this Court various orders passed by the learned Trial Court. It is submitted that the matter is listed before the learned Trial Court for 06.04.2024.

4. In view of the above, the learned Trial Court is directed to hear the applications on the next date fixed before it without granting adjournment to any of the parties on whatsoever ground. The learned Trial Court is further directed to dispose of both the applications preferably within a period of six months.

5. With the above directions, the petition along with pending application stands disposed of.

SHALINDER KAUR, J.

FEBRUARY 23, 2024 / SU