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

% ***Date of decision: 03rd July, 2024***

+ **CM(M) 2707/2024**

SMT NIRMAL BINDALPetitioner

Through: **Mr. Dhananjai Jain, Advocate**
(through V.C.)

versus

SH SANJEEV AGARWALRespondent

Through: **Mr.K.S. Ghose with Mr. Imran Khan,**
Mr. Shakul R. Ghatole and Mr. Vicky
Sharma, Advocates for respondent
No.1

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM(M) 2707/2024 & CM APPL. 36460/2024 (for early hearing)

1. The main petition i.e. CM(M) 2707/2024 was earlier taken up on 29.05.2024 by this Court but since no one had appeared, the matter was directed to be re-notified on 07.08.2024.
2. It is in the aforesaid backdrop that CM 36460/2024 has now been moved seeking early hearing.
3. Both the sides are duly represented through their respective counsel. With the consent of both the sides, the date is preponed and matter is being heard today itself.
4. Attention of this Court has been drawn towards Order dated 24.04.2024, passed by the Appellate Tribunal comprising of District



Magistrate, West whereby the Appellate Tribunal observed as under:-

“The counsel of the Respondent No.1 submits that the daughter of the respondent no.2 is taken care of her and presently she is residing with her daughter at Noida. The counsel of the respondent has no objection on grant of status quo and seeks time to file reply.

Order:-

Accordingly, the prayer of the appellant is allowed and directed all the parties to maintain ‘status quo’ till the final outcome of the present appeal. The present appeal/case is adjourned for 30.08.2024 for further proceedings.”

5. Learned counsel for the petitioner herein, who was representing respondent No.1 before the learned Appellate Tribunal, has stated that at no point of time, any such “no objection” was granted and in this regard, he has already moved one application seeking clarification from the learned Appellate Tribunal which application is likely to be taken up very shortly.
6. Learned counsel for the petitioner further states that he would not press the present petition if a direction is given to the learned Appellate Tribunal to dispose of the entire petition pertaining to Case ID 37189 in a time-bound manner, particularly, keeping in mind the fact that the petitioner is a senior citizen in her seventies and a cancer survivor.
7. In view of the aforesaid, the present petition is, hereby, disposed of with the direction to the learned Appellate Tribunal to dispose of the aforesaid proceedings as expeditiously as possible, preferably, within three months from today.



8. It is made clear that this Court has not expressed any opinion with respect to the merits of the case and, therefore, the Tribunal shall not be swayed away by any of the observation made in the present order.

9. The petition is, accordingly, disposed of.

10. The next date of 07.08.2024 is cancelled.

(MANOJ JAIN)
JUDGE

JULY 03, 2024
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