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

% ***Date of decision: 18th July, 2024***

+ CM(M) 2937/2024

G. VEERABAHU

.....Petitioner

Through: Mr. Kuldeep Babbar, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Manisha Agrawal Narain, CGSC
for UOI with Mr. Sandeep Singh
Somaria, Advocates for respondent
No.1.

Mr. Arjun Mitra, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 39733/2024 & CM APPL.39734/2024
(exemption)

Exemption allowed subject to all just exceptions.

CM(M) 2937/2024

1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by the fact that he had filed one application under Section 340 Cr.P.C. but the Court has not taken up said application so far.
2. Such application was reportedly moved on 30.10.2021.
3. It is also informed that the case is now fixed for plaintiff's evidence on 28.08.2024.



4. Learned counsel for the petitioner, very fairly, admits that the power given to such Court under Section 340 Cr.P.C. is a discretionary one. However, at the same time, the submission before this Court is only limited to the effect that the Court has not yet taken up the aforesaid application for consideration.

5. Learned counsel for respondent No.2 states that he has also no intention to delay either the suit or for that matter the above application and he would even file a reply to the aforesaid application.

6. After hearing both the sides, petition is disposed of with the direction to the learned Trial Court to take up the aforesaid application under Section 340 Cr.P.C. on the date fixed, i.e., 28.08.2024 and to consider the same in accordance with law.

7. It is clarified that the direction as above may not be construed as if such application is also to be disposed of same day. It is also clarified that this Court has not made any observation or comment about the merits of such application.

(MANOJ JAIN)
JUDGE

JULY 18, 2024
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