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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 28th August, 2024

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CM(M) 3243/2024 & CM APPL. 49050/2024

LALIT KUMAR

.....Petitioner

Through: Mr. Vinay Jaidka with Mr. Deepak
Diwan, Advocates.

versus

SHRI VED PAL & ORS.

.....Respondents

Through: None.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. Petitioner is defendant before the learned Trial Court and when the issues were framed by the learned Trial Court on 06.03.2019, it treated issue No.1 "*whether the impugned land is an agricultural land and consequently the present suit of partition is barred? (OPD)*" as preliminary issue and the case was accordingly fixed for arguments on such preliminary issue.
2. Said order was taken in revision before this Court and while disposing of the revision petition, this Court, vide order dated 23.04.2019 passed in CRP 98/2019, had directed the learned Trial Court to first decide said preliminary issue before deciding any other application in the suit. It seems that thereafter, some applications have been filed before the learned Trial Court which fact has delayed the disposal of the abovesaid preliminary issue.



2024:DHC:6528



3. The prayer in the present petition is limited to the effect that the learned Trial Court may be requested to decide the abovesaid preliminary issue as expeditiously as possible.
4. None appears on behalf of the respondents on advance notice.
5. It is noticed that the aforesaid preliminary issue was framed in the year 2019 and, in view of directions appearing in the abovesaid order dated 23.04.2019 as well as in order dated on 01.05.2019 in CM(M) 675/2019, the learned Trial Court is requested to make best endeavour to take up the aforesaid aspect related to the preliminary issue and to dispose that of as expeditiously as possible, preferably, within a period of six months from today.
6. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 28, 2024
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