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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of decision: 09th September, 2024*
+ CM(M) 3361/2024 & CM APPL. 52451-52452/2024

VIJAY GAUR

.....Petitioner

Through: Mr. Amit Kumar with Mr. Shivam Gupta, Mr. Vijay Gaur and Ms. Sonika, Advocates with petitioner in person.

versus

MR. TAAHA FAHIM & ORS.

.....Respondent

Through: Mr. Manish Srivastava with Mr. Moksh Arora and Mr. Yash Srivastava, Advocates for R-12.
Ms. Shilpa Dewan, ASC for R-13/MCD.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Respondent Nos. 1 to 4 herein have filed a suit for permanent and mandatory injunction and such suit is being defended by petitioner Mr. Vijay Gaur as defendant No. 2 before the learned Trial Court.
2. During pendency of the above said suit, an application was moved under Order VII Rule 11 CPC by the contesting defendants seeking rejection of the plaint as the plaintiff had failed to disclose any cause of action.
3. The grievance in the present petition is limited to the effect that such



application, which was moved on 04.01.2023, is yet not decided.

4. There is appearance on behalf of respondent No. 12 i.e. Chief Engineer, TPDDL and respondent No. 13 i.e. Municipal Corporation of Delhi (MCD).

5. The next date before the learned Trial Court is stated to be 21.09.2024.

6. It is also submitted that the arguments were heard earlier in part by the learned Trial Court and in between, at request of the parties, the matter was also referred for Mediation which, eventually, proved to be unsuccessful.

7. Be that as it may, keeping in mind the overall facts of the case and the fact that the learned Trial Court has, initially, heard arguments in part, the present petition is disposed of with the request to learned Trial Court to hear arguments and to dispose of said application as expeditiously as possible, preferably within six months from the next date of hearing fixed before the learned Trial Court.

8. Needless to say, all the sides, including MCD, would extend requisite cooperation and assistance to the learned Trial Court in this regard.

9. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 9, 2024/sw