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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M)-IPD 6/2025 & CM 54/2025, CM 55/2025**

BINOD KUMAR

.....Petitioner

Through: Mr. Tashriq Ahmad, Advocate.
versus

RAJU KUMAR

.....Respondent

Through: Mr. Anil Kumar Sahu, Mr. Satish
Kumar and Mr. Syed Naqui Abbas Jah, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

24.03.2025

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1. This petition is preferred on behalf of the Petitioner under Article 227 of the Constitution of India read with Section 151 CPC, 1908 challenging *ex parte ad interim* injunction order dated 24.01.2024 ('impugned order') passed by the learned District Judge (Commercial) Court-02, North-West Rohini, Delhi in CS(COMM) No. 38/2024.
2. At the outset, learned counsel appearing on behalf of the Respondent takes a preliminary objection to the maintainability of this petition on the ground that there is a remedy of appeal available to the Petitioner against impugned order.
3. Learned counsel for the Petitioner submits that without going into the merits of the preliminary objection or of the case, Petitioner would be satisfied if a time bound direction is given to the learned Trial Court to decide the application filed by the Petitioner under Order XXXIX Rule 4 CPC, 1908, since the same is pending for over a year.



4. Issue notice.
5. Mr. Anil Kumar Sahu, learned counsel accepts notice on behalf of the Respondent.
6. Accordingly, without entering into the merits of the case, this petition is disposed of with a limited direction to the learned Trial Court to decide applications filed by the Petitioner under Order XXXIX Rule 4 CPC, 1908 as also under Order XXXIX Rules 1 and 2 CPC, 1908 filed by the Respondent herein, as expeditiously as possible and preferably on or before 31.05.2025.
7. Petition is disposed of in the above terms along with pending applications.

JYOTI SINGH, J

MARCH 24, 2025
S.Sharma

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