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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3452/2024 & CM APPL. 55778/2024 & CM APPL. 55779/2024**
RAMESH KAPOOR

.....Petitioner

Through: Dr. Abhay Kant Upadhyay, Mr. Madan Pal Vats, Mr. Arvind Chaddha and Mr. Anuj Kumar, Advocates.

versus

USHA KAPOOR & ORS.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
14.05.2025

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1. The present petition has been filed by Mr. Sourabh Kapoor, legal representative of defendant No.1-Mr. Ramesh Kapoor (since deceased).
2. The challenge in the present petition is with respect to order dated 09.07.2024.
3. It seems that by virtue of the abovesaid order, the learned Trial Court has, merely, framed the issues and the case has been fixed for recording of plaintiff's evidence.
4. Learned counsel for the petitioner submits that in view of the fact that FAO No.2/2019 is pending adjudication before this Court, the learned Trial Court should not have proceeded further with the above civil suit.
5. However, after hearing arguments for some time, learned counsel for petitioner seeks to withdraw the present petition with liberty to file

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appropriate application before the learned Trial Court in this regard. He submits that he would have no objection if the evidence is recorded and the Trial is completed. He submits that he would move appropriate application requesting the learned Trial Court to stay the final disposal of the abovesaid suit, till the appeal as aforesaid is decided by this Court.

6. In view of the abovesaid statement made by the learned counsel for petitioner, the present petition is hereby disposed of as not pressed.

7. Needless to say, petitioner is always at liberty to move any such application before the learned Trial Court and as and when, any such application is moved, the learned Trial Court, after giving due opportunity of hearing to both the sides, shall dispose of such application, in accordance with law.

8. It is, however, clarified that this Court has not made any observation with respect to the abovesaid request and it will be entirely upto the learned Trial Court to decide any such application, in accordance with law.

9. All the pending applications also stand disposed of in aforesaid terms.

MANOJ JAIN, J

MAY 14, 2025/ss/js