



2025:DHC:3551



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 08.05.2025*+ **C.R.P. 114/2017, CM APPL. 18288/2017, CM APPL. 32146/2017****BRAHAM PRAKASH & ORS**

.....Petitioners

Through: Mr. K.C. Dubey, Mr. Uttakarsh
Bhargava, Mr. Ajay P., Mr. R.K.
Dagar, Advs.

versus

DAYA RAM

.....Respondent

Through: None.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. This Court had by its order dated 16.04.2025 passed the following directions:

“2. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as “CPC”] seeking to challenge the order dated 22.03.2017 passed by the learned ADJ-04, South-East, District Court South, Saket, New Delhi [hereinafter referred to as “Impugned Order”]. By the Impugned Order, the Application under Order VII Rule 11, CPC filed by the Petitioners has been dismissed.

3. The record reflects that by an order dated 12.10.2022, a Coordinate Bench of this Court had recorded the submission of the Petitioners that the matter is at the stage of Petitioners’ evidence before the learned Trial Court. The Coordinate Bench also directed the learned Trial Court to dispose of the matter as expeditiously as possible, preferably within six months. It is almost 2 ½ years since then.

4. Neither the learned Counsel for the Petitioners nor the learned Counsel for the Respondent appearing before the Court, are able to assist the Court.

5. The Petitioners shall file an Affidavit with respect to the status of the



2025:DHC:3551



proceedings before the learned Trial Court within two weeks from today.”

2. Learned Counsel for the Petitioners submits that the Respondent (Plaintiff before the learned Trial Court) is unnecessarily delaying the adjudication of the present case before the learned Trial Court. Learned Counsel seeks to rely upon the orders passed by the learned Trial Court from time to time including orders dated 26.09.2024 and 10.12.2024.
3. Learned Counsel for the Petitioners submits that given the pendency of the matter, he would be satisfied if directions are passed to expedite the trial.
4. None appears for the Respondent today.
5. A perusal of the orders passed by the learned Trial Court, which have been placed on record, shows that the Plaintiff's evidence stands closed in terms of the order dated 10.12.2024 and the matter is now listed for the Defendants' evidence.
6. After some arguments, learned Counsel for the Petitioners seeks permission to withdraw the present Petition with liberty to agitate all contentions before the learned Trial Court at the time of the final hearing in the matter.
7. The Petition is accordingly dismissed as withdrawn with liberty as prayed for, *albeit* in accordance with law. All pending Applications stand closed. All rights and contentions of the parties are left open in this regard.
8. The parties are directed not to take any unnecessary adjournments before the learned Trial Court.
9. Given the pendency of the matter since 2013, the learned Trial Court



2025:DHC:3551



may take adequate steps to ensure that no delay is caused by either party in the matter.

10. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 8, 2025/jn

Click here to check corrigendum, if any