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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 305/2022 and CM APPL. 16578/2022 (Exemption)

DR. MANOJ BAJPAI Petitioner
Through: Mr. Viveka Nand Jha, Adv.

versus

MS SEEMA JASSAL Respondent
Through: Mr. Karam Bansal, Adv.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

O R D E R(ORAL)

% **04.04.2022**

CM APPL. 16578/2022 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM(M) 305/2022

3. This petition seeks a direction to the learned Additional District Judge, Karkardooma Courts, Delhi ("the learned ADJ") to decide, expeditiously, the application filed by the petitioner-plaintiff under Order XII Rule 6 of the Code of Civil Procedure, 1908 (CPC), for decreeing the suit on admissions.

4. It is seen that, out of five occasions on which the matter was listed before the learned ADJ for hearing of arguments on the application, dates were taken by the petitioner on two occasions.

5. It is ordinarily not permissible for a litigant to seek adjournments before the trial court and, thereafter, invoke the jurisdiction of the High Court under Article 227 of the Constitution of India, seeking expediting of the proceedings.

6. Nonetheless, as the prayer in the petition merely relates to an application under Order XII Rule 6 of the CPC, which essentially involves consideration of the issue of whether there are admissions by the defendant, sufficient to justify decreeing of the suit, this petition is disposed of with the direction to the learned ADJ to decide the application as expeditiously as possible, keeping in view the position of his board and the priority of matters before him.

7. It is made clear that this Court is not issuing any time bound direction.

APRIL 4, 2022
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C.HARI SHANKAR, J