

CS105/2015 1264/16

MOHD.AFZAL KHAN Vs. FAIZ AHMED@FAZI

15.02.2023

Present: Sh. Vishal Gera, Ld. Counsel for the plaintiff.
Sh. F. S. Chauhan, Ld. Counsel for the defendants with
defendant no. 2.

Sh. Gera submits that a copy of order dt. 10.11.2022, from the Hon'ble High Court of Delhi for rendering the decision of this Court on application U/o. 39 Rule 10 CPC on 15.12.2022, and thereafter, as expeditiously as possible. Copy of the application moved under Order VII Rule 11 CPC, is given to Sh. Gera, only now, alongwith spare copy of written submissions filed by Sh. Chauhan, qua application under Order I Rule 10 CPC, which is stamped only now.

Sh. Gera, hard presses, his application under Order 15 (A) CPC, by pressing into service the above order of the Hon'ble High Court of Delhi, however, the application can not be looked into, in the face of pendency of application under Order VII Rule 11 CPC and even application under Order I Rule 10 CPC. Sh. Gera, submits that the defendant is enjoying the immovable property, without giving any rent or legal charges, thus, abusing the legal process.

In view of above, let reply to the application under Order VII Rule 11 CPC, be filed, immediately with copy to Sh. Chauhan, in advance

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and against receipt and matter be fixed for disposing of all the three applications, by a single order for **26.05.2023**.

Parties are directed to submit written arguments within 15 days, with copies to each other against receipt.

(Sanatan Prasad)
Addl. District Judge-02 (East)
Karkardooma Courts/ 15.02.2023