

CS No. 56703/16

M/s Atma Ram Builders Pvt. Ltd. Vs. M/s Embassy Restaurant &
Anr.

27.03.2024

Present: Mr. Amit Sethi and Ms. Ekadhana Sethi, Ld.
Counsels for the plaintiff.

Mr. Sanjeev Sindhvani, Ld. Senior Advocate
alongwith Mr. Chetan Sharma, Ld. Counsel for the
defendant.

Ld. Counsels for the plaintiff requests for an adjournment
on the ground that proceedings are pending before the Hon'ble
Supreme Court.

It is submitted that the next date of hearing before the
Hon'ble Supreme Court is 02.04.2024. They request that the
matter be taken up after 02.04.2024.

Mr. Amit Sethi, Ld. Counsel for the plaintiff also submits
that he is unwell and is therefore, not fit to address arguments.

Request for adjournment is vehemently opposed. Copy of
order dated 11.02.2020 passed by the Hon'ble High Court is filed
and it is submitted that the Hon'ble High Court directed this
Court to proceed expeditiously with this case.

Ld. Senior Advocate appearing on behalf of the defendants
also relies upon the decisions in the cases of Atma Ram
Properties Pvt. Ltd. Vs. Oriental Insurance Company AIR 2017
SC 5714 and Atma Ram Properties Pvt. Ltd. Vs. Allied Motors
Ltd. RFA No.700/18 decided by the Hon'ble Delhi High Court on
27.08.2018. He states that the matter in issue in the present case

has already been decided by the Superior Courts in the said two cases.

On the other hand, Ld. Counsel for the plaintiff files copy of order passed by the Hon'ble Supreme Court in Brij Bhushan Saran Vs. B.M. Sharma Civil Appeal No. 801/2021 dated 03.03.2021.

Record is perused.

This Court is bound by the direction given by the Hon'ble High Court of Delhi that this Court has to proceed with the case expeditiously.

Ld. Counsels for the plaintiff have not been able to explain as to how pendency of the case before the Hon'ble Supreme Court will have a bearing on merits of the present case. However, since adjournment is also sought on the ground of illness of Mr. Amit Sethi, Ld. Main Counsel for the plaintiff and since adjournment is sought only for a few days, a lenient view is taken and matter is adjourned for final arguments to 15.04.2024.

A short date of hearing is being given in view of the directions of the Hon'ble High Court given by order dated 11.02.2020 that this Court has to proceed expeditiously with this case.

Let cost imposed upon the defendant on the last date of hearing be positively paid by the next date of hearing.

(Shirish Aggarwal)
Additional District Judge-03
Patiala House Courts, New Delhi
27.03.2024