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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 66/2021**

MR. VIRENDRA SAHLOT Plaintiff
Through **Mr. Satya Sabharwal, Adv.**

Versus

MS. PRITI SURI & ORS. Defendants
Through **Mr. AjitDayal** with **Ms. Meenakshi Joshi**, Advocate for Defendants 1 and 2
Mr. G.S. Raghav, Adv. for Defendants 3 and 4

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **23.02.2022**
(By Video Conference on account of COVID-19)

I.A. 3052/2022 (Section 151 CPC for early hearing of IA 1432/21)

1. This application seeks early hearing of IA 1432/2021 preferred by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC).
2. Mr. Dayal appears for Defendants 1 and 2 and Mr. Raghav appears for Defendants 3 and 4.
3. Mr. Dayal and Mr. Raghav submit that IA 14317/2021 and IA 17334/2021 stand filed by them under Order VII Rule 11 of the CPC for dismissal of the suit.



4. Pleadings are complete in IA 14317/2021.

5. However, reply has not been filed in IA 17334/2021, though notice was issued in the said IA as far back as on 22nd December, 2021. The matter was listed before the Court, thereafter, on 24th January, 2022 and on 8th February, 2022. Learned counsel for the plaintiff was present on both occasions. No reply has been filed to IA 17334/2021 till date.

6. In my view, before being entitled to ask for expedited or antedated hearing of his Order XXXIX application, the plaintiff would have to first comply with the order dated 22nd December, 2021 by filing a reply to the IA 17334/2021.

7. Accordingly, renotify this application for consideration on 28th February, 2022. In case no reply to IA 17334/2021 is on record before the said date, this application would be rejected.

C.HARI SHANKAR, J

FEBRUARY 23, 2022
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