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

+ **CM(M) 413/2023**

JAI PRAKASH GUPTA Petitioner

Through: Mr. Kamal Mehta, Adv.

versus

GOVIND CABLE INDUSTRIES & ORS. Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

01.05.2023

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[The proceeding has been conducted through Hybrid mode]

CM APPL. 21694/2023 (Early hearing)

1. By way of the present application, the petitioner seeks preponement of the date of hearing of the petition.
2. Keeping in view the board position, it is not possible to prepone the date of hearing.
3. Accordingly, the application is dismissed.
4. Learned counsel submits that the learned Trial Court is proceeding with the suit and the trial. On 12.04.2023, the learned Trial Court framed the issues and being a commercial suit has also put up the suit for plaintiff's and defendant's evidence and further for final arguments on 06.05.2023, 15.05.2023 and 24.05.2023, respectively. Learned counsel submits that in case the proceedings before the learned Trial Court are permitted to continue, the challenge to the dismissal of the application under Order VI Rule 17 CPC, 1908 filed



by the petitioner/plaintiff shall become infructuous.

5. Keeping in view the aforesaid as also in view of the order dated 12.04.2022, in the interest of justice, it is deemed appropriate to stay the proceedings of the suit bearing CS (COMM) 328/2010 titled as '*Jai Prakash Gupta v. M/s. Govind Cable Ind. & Ors.*' till the next date of hearing.

6. List on 22.08.2023, the date already fixed.

TUSHAR RAO GEDELA, J

MAY 1, 2023/ms