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

+ **CM(M) 2857/2024**

AKHILESH KUMAR SINGH

.....Petitioner

Through: Mr. Sanjeev Kumar Jha with
Ms. Manjusha Jha and Ms. Rochita
Jha, Advocates.

versus

ARCHANA RANA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

08.07.2024

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CM APPL.37249/2024 (exemption)

Exemption allowed subject to all just exceptions.

CM(M) 2857/2024 & CM APPL.37248/2024 (stay)

1. Mr. Sanjeev Kumar Jha, Learned counsel for the petitioner submits that the petitioner is aggrieved by order dated 18.12.2023, whereby opportunity to lead evidence by the defendant (petitioner herein) has been closed.
2. I have seen the impugned order dated 18.12.2023. It is noticed that on that day, the plaintiff had also moved an application under Order XXII Rule 3 CPC to implead the LRs of plaintiff who had expired on 26.11.2023.
3. Sh. Jha, learned counsel for the petitioner has stated that though copy of such application was not supplied to him as the application had been filed same day and though he had not given any concession



either, it seems that the learned Trial Court allowed the application as well. It is contended that even otherwise in such a peculiar situation, the defendant should have given one more opportunity to lead evidence. It is submitted that since the defendant was out of station, he could not appear before the learned Trial Court.

4. It is claimed that the next date of hearing before the learned Trial Court is 18.07.2024 for final arguments.

5. Ideally, the petitioner should have filed the present petition without any delay.

6. Be that as it may, issue notice to respondent through all permissible modes, including dasti, returnable on 20th August, 2024.

7. It is directed that the learned Trial Court shall defer the hearing to a date subsequent to one given by this Court.

MANOJ JAIN, J

JULY 8, 2024
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