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

+ RSA 136/2018

M/S SHYAM LAL & ORSAppellants

Through: Mr. Pankaj Vivek, Advocates.

versus

MITHLESH DEVIRespondent

Through: Mr. Abhishek Grover, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **24.07.2025**

CM APPL. 44209/2025

CM APPL.34595/2025

By way of the present applications filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellants and the respondent respectively seek advancement of date of hearing of CM APPL. No.14243/2025, which is otherwise posted on 26.09.2025.

2. Mr. Pankaj Vivek, learned counsel appearing for the appellants submits, that the appellant was granted a *status-quo* order in the present proceedings on 18.09.2018, which order was continued from time-to-time; but for the appellants' default of appearing or being represented in court on one solitary date, i.e. 09.12.2024, the interim order was vacated.
3. Mr. Vivek argues that one solitary non-appearance ought not to have been the basis of vacating the interim protective order that had inured in favour of the appellants throughout the course of the proceedings. Counsel further points-out that, in the meantime, execution proceedings are afoot and the execution petition is listed before learned executing court for appointment of bailiff on 18.08.2025.



4. In the circumstances, both the applications are allowed.
5. CM APPL. No. 14243/2025 is taken-up for hearing today.
6. The applications are disposed-of in the above terms.

CM APPL.14243/2025

7. Notice on this application was issued on 10.03.2025; reply thereto has been filed by the respondent.
8. As narrated above, the record bears-out that the interim protective order 18.09.2018 had inured in favour of the appellants during the course of the present proceedings, which are pending since 2018; and that that order was vacated on 09.12.2024 by reason of non-appearance/non-representation on behalf of the appellants on that date.
9. The ordersheet reflects that the appellant has been duly represented on almost every date before and after 09.12.2024.
10. In the circumstances, this court finds no reason to decline the prayer.
11. The application is allowed, thereby restoring order dated 18.09.2018.
12. It is made clear that no further indulgence will be granted to the appellants in the event of non-appearance.
13. The application is disposed-of in the above terms.

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14. List before learned Joint Registrar on 31st July 2025, the date already fixed.
15. List before court on 26th September 2025, the date already fixed.

ANUP JAIRAM BHAMBHANI, J

JULY 24, 2025/ss