

ITEM NO.43

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).21362/2008

(From the judgement and order dated 12/05/2008 in
of The HIGH COURT OF DELHI AT N. DELHI)

CS No. 1514/2007

HARISH JHAMB

Petitioner(s)

VERSUS

SHRI SHRI CHAND JAIN

Respondent(s)

(With prayer for interim relief and office report)

Date: 09/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr.M.Yogesh Kanna, Adv.
Mr.P.Somasundaram, Adv.

For Respondent(s) Mr. Ashok Mathur, Adv.

UPON hearing counsel the Court made the following
O R D E R

This petition is directed against order dated 12.5.2008 of the learned Single Judge of Delhi High Court who rejected the application filed by the petitioner for dismissal of the suit under Order VII Rule 11 C.P.C.

We have heard learned counsel for the parties and perused the records.

Since the petitioner is entitled to challenge the order of learned Single Judge by filing an appeal, we do not find any valid ground or justification to entertain the special leave petition, which is accordingly dismissed.

However, liberty is given to the petitioner to avail
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remedy by filing an appeal. If the petitioner files an appeal within a period of two weeks from today along with an application for condonation of delay, the Division Bench of the High Court should consider the prayer for condonation of delay sympathetically.

(Satish K.Yadav)

(Phoolan Wati Arora)

Court Master

Court Master