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

% Judgment delivered on 03.05.2023

+ CM(M) 719/2023

MR INDER MOHAN SINGH & ORS Petitioner

versus

NAVNEET KAUR & ORS Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Gurinder Pal Singh, Mr. Sidharth Borah and Ms. Jaya Bajpai, Advocates

For the Respondent : Mr. Rajat Manchanda and Ms. Megha Gaur, Advocates for R-1 to 4.
Mr. Abhay Dixit, Advocate for R-5.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 22480/2023

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. Petitioners are before this Court invoking the powers of this Court under the supervisory jurisdiction as conferred by virtue of Article 227 of Constitution of India in respect of the matter pending before the

designated Commercial Court-06 at the Central District in the Courts at Tis Hazari.

4. Mr. Gurinder Pal Singh, learned counsel appearing for the petitioner submits that despite the fact that the award was passed in the year 2018, the execution whereof has been hanging fire since then and the execution as well as the objections under Section 34 have not yet been decided despite the matter having been taken up by various designated Presiding Officers of the Commercial Court in the interregnum.

5. Learned counsel has taken this Court to the innumerable order sheets placed before this Court to show that though the learned Presiding Officers have been hearing the matter continuously on various dates, but for some reason or the other were not able to pass final orders.

6. Learned counsel submits that even the last judicial officer had heard the matter at length on number of dates, however, on account of the transfer was unable to complete the said proceedings. Learned counsel further submits that the next incumbent to occupy the Commercial Court-06 has not been notified as yet and on that account the objection petition as well as the decree is in limbo.

7. Mr. Rajat Manchanda, learned counsel appears for respondent nos. 1 to 4 and Mr. Abhay Dixit, learned counsel appears for respondent no.5

8. Mr. Dixit, learned counsel for respondent no.5 submits that he has no objection in case the oral prayer as made by the learned counsel for the petitioners today is agreed to, however, he objects to the prayer clause (b) by virtue of which the petitioners are seeking deprivation of

rights to address the learned Trial Court.

9. Learned counsel for respondent nos. 1 to 4 submits that the petition is not maintainable as no writ of Mandamus can be passed in such circumstances.

10. This Court has considered the submissions made by learned counsel for the respective parties and is of the considered opinion that the grievance of the petitioners cannot be circumscribed and limited by the prayers made in the present petition. This Court is of the considered opinion that the prayers may be and are, ignored. What is relevant for this Court is to consider the pendency and the manner in which the said objection petition as also the execution petition has been dealt with.

11. In view of the aforesaid and in exercise of the powers of superintendence over the subordinate Courts conferred under Article 227 of Constitution of India, this Court directs the Principal District and Sessions Judge, Central District, Tis Hazari, to withdraw OMP (COMM) No. 30/2019 as also the Ex. Pet. No. 915/2018 pending before the Commercial Court-06 to be reassigned to any other Commercial Court, which is functional at the moment, for hearing and disposal of the aforesaid OMP as well the Execution Petition.

12. The Principal District and Sessions Judge is also directed, apart from reassigning the said petitions, to request the freshly assigned Commercial Court to dispose of the aforesaid petitions expeditiously, not later than six months from today.

13. The freshly assigned Commercial Court may draw up the timelines of the arguments so as to ensure that the parties adhere to the same and the petitions are disposed of within the time limits.

14. The parties may appear before the Principal District and Sessions Judge on 12.05.2023. The counsel present here have consented to the date fixed.

15. The petition is accordingly disposed of with no order as to costs.

16. The order be sent forthwith to learned Principal District and Sessions Judge, Delhi.

MAY 03, 2023

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TUSHAR RAO GEDELA, J.

HIGH COURT OF DELHI



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