

24-01-2003

Present:

Mr. Harish Malhotra, Advocate for the appellants.

Mr.P.C.Jain, Sr.Adv. with Mr.Aman Vachher and Mr.Santosh

Kr. Chouriha, Advocate for R-1 to R-3.

FAO(OS) 11/2003 & CM 24/2003:

Appellants had filed suit No.1594/2002 challenging election of respondents 2 & 3 alongwith I.A.No.9225/2002 praying for an interim injunction. Their I.A. has been dismissed by impugned order dated 20.01.2002. Hence this appeal.

When the matter came up for consideration today L/C for respondent No.1 to 3, Sr.Advocate, Mr.P.C.Jain informed the court that respondent No.2, Sh.Nem Nath Jain who was made the Chairman has also filed a suit (suit No.20/2003) which is pending consideration before HMJ Vikramajit Sen and is posted for consideration along with interim stay matter on 27th February, 2003.

In view of this both parties have agreed to the disposal of this appeal by the following consent order. "Impugned order dated 16.12.2002 shall stand set aside. Appellant's I.A. No.9225/2002 shall revive and be considered afresh by the learned Trial Judge alongwith stay matter of Suit No.20/2003 filed by R-3 on 27th February, 2003 and disposed off under law after hearing parties."

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FAOOS11/2003

It is pointed out by Appellants counsel that appellants' suit was posted before learned Trial Judge, HMJ J.D.Kapoor and was required to be clubbed with Suit No.20/2003 being tried by HMJ Vikramajit Sen. For joint consideration and to ensure uniformity in judicial orders, Appellants' Suit No. 1594/2002 could also be placed before HMJ Vikramajit Sen. Registry to take necessary steps for obtaining requisite orders, if any, for this and to consolidate the two suits for joint consideration on 27th February, 2003 before HMJ Vikramajit Sen.

BA.KHAN, J

R.S.SODHI, J

JANUARY 24, 2003