

ITEM NO.2

COURT NO.4

SECTION XV

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

CONMT.PET.(C) No. 299/2022 in SLP(C) No. 36700/2017

VIJAY KUMAR

Petitioner(s)

VERSUS

BABITA VERMA

Respondent(s)

(FOR ADMISSION and IA No.40485/2022-EXEMPTION FROM FILING O.T. )

Date : 22-08-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. H.D. Thanvi, Adv.  
 Mr. Achal Singh Bule, Adv.  
 Mr. Nikhil Kumar Singh, Adv.  
 Mr. Mahendra Singh, Adv.  
 Mr. Rishi Matoliya, AOR

For Respondent(s)

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

Application for exemption from filing  
 official translation is allowed.

The report called for from the trial court has been submitted. In terms of the report, the learned Judge seems to opine that it was never brought to his notice that the judgment of the High Court to the effect that civil Court has no jurisdiction had been stayed. Learned counsel for the petitioner contends to the contrary.

Be that as it may, issue will be that such an order under Order VII rule 11, Civil Procedure

Code, 1908 *prima facie* could not have been passed.

In order to put an end to the controversy, we think it appropriate to issue simple notice, treating it as an application, to the respondent returnable on 19.09.2022.

In the meantime, the order allowing the application under Order VII Rule 11, CPC is stayed.

Dasti as well.

[ASHA SUNDRIYAL]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)