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

% Judgment delivered on: 24.11.2020

+ CM(M) 586/2020 & CM APPL.29734-35/2020

V.M.SINGH Petitioner

versus

MADAN LAL MANGOTRA & ORS.Respondents

Advocates who appeared in this case:

For the Petitioner: Mr.Rahul Ajatshatru, Advocate.

For the Respondent: Mr.Rajiv Kumar Ghawana , Advocate for R-1.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner is aggrieved by order dated 26.10.2020 whereby the Trial Court has directed the listing of the matter for physical hearing and the applications filed by learned counsel for the petitioner for hearing through virtual mode has been dismissed on the ground that as lengthy arguments may be advanced by the parties, hearing through video conferencing is not possible.
3. Learned counsel for the petitioner submits that the family members of the counsel for the petitioner are vulnerable senior citizens and in the present pandemic situation it would not be possible for the counsel to physically appear before the Trial Court and thus the applications were filed for taking up their case for virtual hearing.
4. Issue notice. Notice is accepted by learned counsel appearing for

respondent No.1.

5. Learned counsel appearing for respondent No.1 submits that respondent No.1 is the plaintiff No.1 in the suit and is the main contesting party. He submits that presently it is only an application for restoration of the suit which is pending. He further submits that petitioner has not been even appearing virtually before the Trial Court.

6. Learned counsel for the petitioner undertakes to appear before the Trial Court through virtual mode as and when the matter is listed.

7. In view the advisories issued by the High Court, petitioner cannot be asked to appear physically unless the advisory is modified by the High Court, however, recently the High Court has issued a fresh advisory that in case parties do not appear even through virtual mode even after being intimated, the Trial Court is free to proceed in accordance with law.

8. Furthermore, since only an application for restoration of the suit is pending consideration before the Trial Court, the Trial Court is directed to take up the suit for consideration through virtual mode and dispose of the application in accordance with law.

9. Keeping in view the fact that the suit has been pending for several years, Trial Court is directed to expedite the proceedings.

10. The petition is accordingly disposed of in the above terms.

11. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

NOVEMBER 24, 2020/rk