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

+ **W.P.(C) 306/2011**

JAGAT SINGH (DECEASED) THR. LRS Petitioners

Through: Mr. Sudhanshu Tomar, Advocate

versus

JAI BHAGWAN (DECEASED) THR. LRS & ORS. Respondents

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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18.11.2011

1. There is delay of 1½ years in assailing the impugned order of 26.06.2009. While taking note of this fact, petitioners were called upon to file an affidavit to explain the delay of 1½ years and the explanation furnished by the petitioners in the affidavit filed in pursuance to the last order, reads as under:-

'5. I say that the Petitioners were advised in law that since the order passed by the Ld. Financial commissioner dated 26.6.2009 has been challenged in the said petition, as such, they need not file a separate petition challenging the order of the Ld. Financial Commissioner and consequently on the legal advice received by the Petitioners, the deponent did not challenge the order immediately.'

2. In view of the aforesaid stand taken, learned counsel for petitioners

states that this petition be disposed of as not pressed, with liberty to the petitioners to agitate their rights in writ petition being W.P.(C) No.10471/2009, titled as '*Rajiv Dhingra vs. Financial Commissioner & Ors.* ', which is listed for regular hearing.

3. This petition is accordingly disposed of as not pressed, with liberty to the petitioners herein, who are respondents No.6 (i), (ii) & (iii) in the aforesaid writ petition, to move an application seeking permission to place on record counter affidavit in the said matter.



SUNIL GAUR, J

NOVEMBER 18, 2011

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