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

+ **W.P.(C) 4328/2015**

SANJAY KUMAR JAIN

..... Petitioner

Through: Mr M.N. Kural & Ms Pushpa Sharma,
Advs.

versus

STATE (GOVT. OF NCT OF DELHI) & ORS. Respondents

Through

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **01.05.2015**

CM No. 7841/2015 (condonation of delay in re-filing)

1. This is an application seeking condonation of delay in re-filing.
2. For the reasons given therein, the application is allowed and the delay is condoned. Application stands disposed of.

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3. The grievance of the petitioner is that a sale deed has been executed by respondent no.6 in favour of respondent no.7 based on a forged General Power of Attorney (in short GPA). It is stated by the learned counsel for the petitioner that an FIR has been lodged and criminal proceedings have been initiated against respondent no. 6 & 7 and two other accused, one, Mr Chhotu and Mr Umar. Learned counsel for the petitioner also informs me that a chargesheet has been filed, though no charges have been framed as yet.

4. In this writ petition a direction is sought qua respondent no.4 for cancellation of the sale deed dated 03.11.2012 regarding property no. 4/2675A, Gali No.6, Bihari Colony, Shahadara, Delhi – 110 032.
5. In my view, the proper remedy for the petitioner will be to file a civil suit as the matter will have to proceed for trial, since it clearly involves contestation and disputed questions of fact.
6. The writ petition is disposed of with liberty to the petitioner to initiate appropriate proceedings in accordance with law.

RAJIV SHAKDHER, J

MAY 01, 2015

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