

CWP No. 4846 of 2014(O&M)**Date of decision:9.05.2016****Ram Kishan****.....Petitioner****versus****The Appellate Maintenance Tribunal and others****.....Respondents****Coram: Hon'ble Mr.Justice Rakesh Kumar Jain****Present:** Mr. Ravi Sharma, Advocate
for the petitioner.Mr. Gaurav Mohunta, Advocate
for respondent No.3.Mr. R.P.Daaria, Advocate
for respondent No. 4.**Rakesh Kumar Jain, J.(Oral)**

This petition is filed by a Senior Citizen, having been superannuated from 'Delhi Police', has challenged the release deed, executed in favour of his sons impleaded as respondents No. 3 and 4. The whole case of the petitioner is that both the release deeds have been obtained by his sons by playing fraud upon him.

However, counsel for respondents No. 3 and 4 has submitted that the said release deeds were challenged before the Civil Court by the petitioner himself in a suit for declaration, possession and permanent injunction which has been dismissed, upholding the validity of the said release deeds. It is altogether different matter that the petitioner has filed an appeal against the judgment and decree of the trial court which is still pending but no

order has been passed so far upsetting the order of the trial court.

Faced with this difficulty, counsel for the petitioner prays for withdrawal of the petition at this stage to file it again, if need be, in case the petitioner succeeds in appeal.

9th May, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**