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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 101/2015 & C.M. No.2079/2015

KEWAL JOSHI THR ATTORNEY LALIT MOHAN MADHAN

..... Petitioner

Through Mr.Sanjeev Narula, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through Mr.Dhanesh Relan and Mr.Isha Garg,
Advocates

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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23.03.2016

Petitioner is aggrieved by the order dated 19.8.2014 passed by Additional District Judge who had disposed of the appeal filed by the petitioner/appellant Kewal Joshi under Section 96 read with Order XXI Rule 58 of the CPC against the order passed by the Civil judge dated 24.5.2013.

Learned counsel for the respondent points out that such an order would be appealable by way of an Execution Second Appeal since the impugned order (dated 19.8.2014) was passed on the execution proceedings. The impugned order had in fact noted that such an appeal could not have been preferred; it would not really be a civil appeal nevertheless the impugned order had proceeded to examine the merit of the contention raised by the petitioner.

Since this order has been passed in the course of an execution proceeding, the Forum would be for the petitioner to have approached

the Court dealing with matter relating to Execution Second Appeal.

Accordingly, liberty is granted to the petitioner to withdraw this petition with additional liberty to move the appropriate Forum.

Petition is dismissed as withdrawn.

INDERMEET KAUR, J

MARCH 23, 2016

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