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

+ CM(M) 334/2015

DELHI TRANSCO LTD Petitioner

Through: Mr.Rajeev Nayan, Advocate for
Mr.S.K.Chaturvedi, Advocate.

versus

VAKIL CHAND & ORS Respondents

Through: Ms.Nishtha Gupta, Advocate for R-2.

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
07.01.2016

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CM(M) 334/2015

1. The present petition has been filed by the petitioner - Delhi Transco Ltd. praying for setting aside the orders dated 24.07.2015 and 05.01.2015 passed by learned Trial Court in Suit No.1043/2006 and allowing the petitioner to place on record the list of witnesses and also to summon the said witnesses to place and prove the documents i.e. complete mutation file and Award No.21/83-84.
2. Learned counsel appearing on behalf of the petitioner has placed on record the copy of the order dated 30.11.2015 passed by this Court in the connected matter bearing CM(M) No.336/2015 and submitted that in CM(M) No.336/2015, on the basis of no-objection given by the respondents

limited relief has been granted to the petitioner to place the copy of Award No.21/83-84 and same relief may be granted in this case as well.

3. The order dated 30.11.2015 passed in CM(M) No.336/2015 is extracted as under :-

“CM(M) 336/2015

1. *The petitioner has invoked the extra ordinary jurisdiction of this Court under Article 227 of the Constitution of India praying for setting aside the orders dated 24.07.2015 and 05.01.2015 passed by learned Trial Court in Civil Suit No.232/2012 and allowing the petitioner to place on record the list of witnesses and also to summon the said witnesses to place and prove the documents i.e. complete mutation file and Award No.21/83-84.*

2. *Learned counsel for the petitioner submits that the grievance of the petitioner would be redressed if the copy of the Award No.21/83-84 pertaining to Village Madipur, Delhi through which land bearing Khasra No.583/2 & 584/2 was acquired by Land Acquisition Collector, is allowed to be placed on record so as to be considered by the learned Trial Court for purpose of adjudication of the dispute between the parties.*

3. *Learned counsel appearing on behalf of respondents submit that respondents have no objection if the copy of the Award No.21/83-84 pertaining to Village Madipur, Delhi through which land bearing Khasra No.583/2 & 584/2 was acquired by Land Acquisition Collector, is permitted to be placed on record. It is further submitted that the Award being a public document, requires no formal proof and the Court may consider the same, if found necessary for purpose of adjudication of the dispute between the parties.*

4. *In view of the above submissions made on behalf of the parties, the prayer of the petitioner is allowed to the extent that he shall place on record the copy of the Award No.21/83-84 pertaining to Village Madipur, Delhi through which land*

bearing Khasra No.583/2 & 584/2 was acquired by Land Acquisition Collector. The Award shall form part of the evidence and to be read as evidence, if considered relevant by the learned Trial Court to adjudicate the dispute between the parties pending before it.

5. *The petition stands disposed of in above terms.*

6. *A copy of this order be sent to the concerned Court and be also given dasti to learned counsel for the parties, as prayed.”*

4. Learned counsel for the petitioner has submitted that in this petition also the prayer of the petitioner is limited to the extent that copy of the Award No.21/83-84 pertaining to Village Madipur, Delhi may be allowed to be placed on record so as to be considered by the learned Trial Court for purpose of adjudication of the dispute between the parties.

5. Learned counsel for the respondent No.2 has submitted that since the prayer made by the petitioner in the connected matter bearing CM(M) No.336/2015 seeking permission to place on record the copy of the Award No.21/83-84 pertaining to Village Madipur, Delhi in Civil Suit No.232/2012 has been allowed by this Court vide order dated 30.11.2015, she has no objection if same relief is granted to the petitioner in this petition also i.e. to allow the petitioner to place on record the copy of the Award No.21/83-84 pertaining to Village Madipur, Delhi in Civil Suit No.1043/2006.

6. In view of the above submissions made on behalf of the parties, the petitioner is allowed to place on record the copy of the Award No.21/83-84 pertaining to Village Madipur, Delhi in Civil Suit No.1043/2006. The Award shall form part of the evidence and to be read as evidence, if considered relevant by the learned Trial Court to adjudicate the dispute

between the parties pending before it.

7. The petition stands disposed of in above terms.

8. A copy of this order be sent to the concerned Court and be also given dasti to learned counsel for the parties, as prayed.

CM No.7067/2015 (Stay)

Dismissed as infructuous.

PRATIBHA RANI, J.

JANUARY 07, 2016

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