

\$~A-1

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

+ **CM(M) 321/2016 & CM Nos.12463-12464/2016**

YOGENDER KUMAR & ORS Petitioner

Through Mr.S.S.Tomar, Adv.

versus

RAJENDER KUMAR & ORS Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **19.07.2016**

CM No.12463/2016

Exemption allowed , subject to all just exceptions.

CM(M) 321/2016 & CM No.12464/2016

Present petition is filed seeking to impugn the order dated 10.03.2016 passed in RCA by the Additional District Judge-2, (North). The suit in question that was filed by the respondent was dismissed by the trial Court vide order dated 29.1.2015. The appeal filed by the respondents was allowed on 10.3.2016 setting aside the order of the trial Court and remanding back the case to the trial Court with the direction to the respondent/plaintiff to move appropriate application within the stipulated period before the trial Court for impleading Gaon Sabha, Gram Panchayat and B.D.O. Office. Other directions were also given.

The petitioner appears to be aggrieved by the said order dated 10.03.2016 passed in the RCA. Against an RCA instead of filing a Regular Second Appeal the petitioner has filed the present Petition under Article 227 of the Constitution of India. In para 11 of the petition the petitioners have

made an averment that if the Court was of the view that the second appeal under Section 100 of Civil Procedure Code is maintainable, the present petition may be treated as a necessary Second Appeal and petitioners may be allowed to place on record the questions of law in such an eventuality.

Subject to all just exceptions, this petition may be treated as RSA. The petitioner may move necessary amendment application to the Petition. Registry may thereafter register the present petition as an RSA and take action accordingly.

JAYANT NATH, J

JULY 19, 2016

n