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

+ CM(M) 708/2016

HASINUDDIN

..... Petitioner

Through Mr.Jaevd Ahmad and Mohd. Ouasis,
Advocates.

versus

RIZWANA & ORS

..... Respondents

Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **29.07.2016**

CM No. 26390/2016 (exemption)

Exemption is allowed subject to all just exceptions.

CM(M) 708/2016 and CM No26389/2016(stay).

1. By the present petition, the petitioner seeks to impugn the order dated 16.05.2016 by which the application filed by the petitioner was dismissed. The petitioner had filed an application stating that the parties to the suit obtained a collusive decree from the court by playing fraud on the court. The suit had apparently been settled by the parties in the Mediation Cell and has been disposed of in terms of the compromise arrived at between the parties to the said suit on 15.10.2015.
2. The impugned order shows that the court observed that in the

application filed by the petitioner under Section 151 CPC, that there is no disclosure as to what are the rights of the applicant/petitioner to the property in question . The submission of the learned counsel for the applicant/petitioner was noted that he would move an appropriate application after mentioning the right of the applicant/petitioner. Accordingly, the application filed by the petitioner including an application under Section 340 Cr.P.C. was dismissed.

3. A question was posed to the learned counsel for the petitioner as to why the petitioner, having already been granted liberty by the trial court, has approached this court to impugn the order. He submits that the trial court has not granted liberty and hence, the present petition.

4. In my opinion, the trial Court has noted the prayer of the petitioner to move an appropriate application. In view thereof the petitioner is not debarred from filing any fresh application, as requested in the impugned order.

5. With the above clarifications, the present petition is disposed of.

Dasti.

JAYANT NATH, J

JULY 29, 2016

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