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

+ CM(M) 767/2016

SUNIL KUMAR AGGARWAL Petitioner
Through Mr.Pankaj Vivek, Advocate.

versus

SANJOGTA MALHOTRA & ANR Respondents
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
10.08.2016

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CM No. 28985/2016 (exemption)

Exemption is allowed subject to all just exceptions.

CM(M) 767/2016

By the present petition, the petitioner has impugned the action of the appellate court whereby the appeal filed by the respondents was dismissed but the cross-objections filed by the petitioner have not been adjudicated upon.

It is the contention of the petitioner that the suit filed by the petitioner for possession/damages/mesne profits was decreed by the trial court on 16.08.2014. The respondents aggrieved by the said order filed a Regular First Appeal under Section 96 CPC. On receipt of notice of the appeal, the petitioner filed cross-objections on 18.10.2014 along with the requisite court fees of Rs. 48,500/-.

Vide order dated 05.05.2016, he submits that the appellate court dismissed the appeal of the respondents but did not deal with the cross-objections. He further submits that the second appeal/RSA filed by the respondents has also been dismissed.

A perusal of the order dated 05.05.2016 passed by the appellate court shows that there is no reference to the cross-objections.

If the cross-objections had been filed the same would have required to be adjudicated upon. Hence, the petitioner may approach the appellate court with an appropriate application seeking disposal of the cross-objections. In case such an application is filed, the trial court may consider the same as per law.

With the above liberty, the present petition is disposed of.

JAYANT NATH, J

AUGUST 10, 2016
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