$~6 (13.09.2016)

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

\+ FAO(OS) 253/2016

GURCHARAN SINGH ..... Appellant
Through: Mr Jagjit Singh, Advocate

versus

HARSHARAN SINGH ..... Respondent
Through: Mr Davinder Singh, Senior Advocate with Mr Srivats Kaushal, Advocates

CORAM:
HON'BLE MR. JUSTICE BADAR DURREZ AHMED
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

O R D E R

% 14.09.2016

We have heard the learned counsel for the parties. We are disposing this appeal primarily on the ground that the learned counsel for the appellant (Mr Gurcharan Singh) was not available on the date on which the impugned order dated 04.08.2016 was passed. Consequently, on this ground alone, we are setting aside the impugned order and remitting the matter to the learned Single Judge for passing appropriate orders after hearing the learned counsel for the parties and particularly the learned counsel for the appellant so that the appellant no longer has a grievance that his case was not put forth in an appropriate manner. The impugned order is set aside as above. The matter is remitted to the learned Single Judge for a fresh decision after hearing the learned counsel for the parties. The matter be placed before the learned Single Judge on 19.09.2016.

BADAR DURREZ AHMED, J

SEPTEMBER 14, 2016/ns **ASHUTOSH KUMAR, J**