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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 540/2015 & C.M. No.10314/2015**
RITA BHALLA & ORS

..... Petitioners

Through Mr. Gaurav Kumar Singh, Adv.
versus

MADHU SHARMA

..... Respondent

Through

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **09.05.2016**

After some arguments, it has been agreed that the impugned order be set aside. The impugned order dated 13.05.2015 passed by the Appellate Court i.e. the Court of the Additional District Judge is set aside. This order was passed on application filed by the plaintiff under Order XXXIX Rules 1 & 2 of the CPC. The impugned order had endorsed the finding returned by the first Court. The submissions and counter submissions of the parties including attention having been brought to the sale deed dated 05.10.2005 has been perused.

Accordingly, while setting aside the impugned order, it is made clear that the observations returned by the impugned order on the application filed by the plaintiff under Order XXXIX Rules 1 & 2 of the CPC are not to be read by the Trial Judge at the time of passing final judgment. The Trial Court shall de-hors the order passed on this application both by the Civil Judge and the Appellate Court shall considere afresh the contentions raised in that application. This would

be at the time of final disposal of the suit.

No further orders are called for. Petition disposed of.

Order be given dasti under signatures of the Court Master.

INDERMEET KAUR, J

MAY 09, 2016

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