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

+ CM(M) 1109/2016 and CM Nos.40955-56/2016

SHARAD KUMAR Petitioner

Through Mr.Nitesh Jain, Mr.Abhinav Mukhi
and Mr.Rishabh Kumar, Advs.

versus

NMDC LIMITED Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **19.12.2016**

Learned counsel for the petitioner submits that there is no dispute on the fact that the petitioner is the owner of 3/4th of the property. He relies upon a Release Deed dated 9.12.2013 and order of this court dated 14.1.2016 in CM(M) 572/2015 to submit that he is the owner of 3/4th of the property. He admits that there is a suit for partition going on between him and his brother who is not a party to the present suit. He submits that in that suit also there is no legal dispute raised by the brother of the petitioner that the petitioner is owner of 3/4th of the suit property. The aforesaid aspects which the petitioner is seeking to argue has not been raised before the trial court.

Accordingly, leave and liberty is granted to the petitioner to move an application for review/recall of order dated 30.8.2016 whereby he can make submission as above. In case such an application is filed, the trial court may deal with the same as per law. If necessary, proper undertaking may also be taken from the petitioner to refund the amount in case a claim is made by any other co-owner for the deposited rent. Petition stands disposed of.

JAYANT NATH, J

DECEMBER 19, 2016/n