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

+ RFA 643/2015 & CMs No.21559/2015 & 21561/2015 (for
condonation of 37 days delay in filing the appeal and 40 days delay in
re-filing thereof)

PAHLAD

..... Appellant

Through: Mr. A.S. Rajput, Adv.

Versus

SOUTH DELHI MUNICIPAL
CORPORATION & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

17.02.2016

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1. This first appeal under Section 96 of the Civil Procedure Code, 1908 (CPC) impugns the order dated 23rd February, 2015 of the Senior Civil Judge-cum-RC (South), Saket Courts, New Delhi of dismissal of the suit filed by the appellant as withdrawn in terms of the statement of the appellant dated 31st March, 2014. The appeal is accompanied with applications for condonation of delay in filing and re-filing the appeal and notice of the said applications was ordered to be issued and the Trial Court record requisitioned.

2. The appellant did not take any steps for service.

3. However it is found that the Court of minimum pecuniary jurisdiction to entertain the appeal, if any maintainable against the impugned order is not

this Court but would be the Court of the concerned District Judge.

4. The appeal is thus disposed of with liberty to the appellant to take remedy available before the appropriate forum.

5. The Trial Court record requisitioned in this Court be returned forthwith.

RAJIV SAHAI ENDLAW, J.

FEBRUARY 17, 2016

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