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

+ CM(M) 1296/2016

HARISH ARNEJA Petitioner
Through Mr. Shiv Charan Garg, Advocate

versus

VEER BALA (DECEASED) THR LRS Respondent
Through Mr....

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **16.12.2016**

CM No.46439/2016 (*exemption*)

Allowed subject to all just exceptions.

CM(M) 1296/2016 & CM No.46440/2016

The only grievance of the petitioner in the present petition is the some observations made by the trial court while dismissing the application under Order 11 Rule 2 CPC.

The trial court while dismissing the application noted that the suit is filed by the respondent for possession and declaration. A suit filed by the predecessor of the petitioner for specific performance already stood abated and hence the said deed (presumably Agreement to Sell dated 23.09.1975 and 31.08.1982) ceased to be relevant, therefore, interrogatories sought to be answered have lost all the significance.

The learned for the petitioner submits that these observations would prejudice the petitioner at the time of final adjudication of the case.

The learned counsel appearing for the respondent submits that without

prejudice to his rights and contention in order to not waste the precious time of this court he has no objection in case it is clarified that the observations made by the trial court would not bind at the parties at the time of final hearing of the case.

In view of the above and noting the above submission of the learned counsel for the respondent, the present petition stand disposed of. All the pending applications also stand disposed of.

JAYANT NATH, J.

DECEMBER 16, 2016/v