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

+ **CM(M) 1272/2016**

DELHI DEVELOPMENT AUTHORITY..... Petitioner
Through Mr.Sanjeev Sagar, Adv.

versus

DHARMENDER SINGH Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% 09.12.2016
CM Nos.45765-45766/2016 (Exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 1272/2016 & CM No.45767/2016

1. By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 2.6.2016 by which an application filed under Order 41 Rule 27 CPC for leading additional evidence was dismissed. The bone of contention of the suit is an area of 10 biswas in Khasra No.329, village Pitampura, Delhi which as per the trial court stands acquired by the petitioner but the possession has not been taken over. Learned counsel appearing for the petitioner has contended that the area of which the respondent seeks permanent injunction does not form part of the 10 biswas as wrongly claimed by the respondent, Hence, he submits that by the present application the petitioner has sought to place on record the site plan to show the needful.

2. It was put to learned counsel for the petitioner that merely filing of the site plan would serve no purpose or further the case of the petitioner as the respondent is bound to claim that the land which is subject matter of the suit is part of the 10 biswas which admittedly the petitioners have not taken possession of though acquired.

3. In view of the above, learned counsel for the petitioner seeks liberty to withdraw the present petition with liberty to move an appropriate application seeking demarcation of the land in question. Granting leave and liberty, the present petition is dismissed as withdrawn. All pending applications, if any, also stand disposed of accordingly.

4. The petitioner is granted three weeks time to file appropriate application seeking demarcation. In case such an application is filed the appellate court may dispose of the same in accordance with law.

5. A copy of this order be given dasti under signatures of the court master, as prayed.

JAYANT NATH, J

DECEMBER 09, 2016

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