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

+ CM(M) 150/2013

BHAGWATI PRASAD SHARMA ..... Petitioner  
Through Mr.Ajay Bahl, Advocate

versus

PT. RAM SARUP SHARMA (DECEASED)..... Respondent  
Through

**CORAM:**  
**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**  
% **23.01.2017**

**CM No.2778/2017 in CM(M)150/2013**

By this application the applicant/petitioner seeks a direction to the appellate court to decide the applications under Order VI Rule 17 CPC and under Order 41 Rule 27 CPC alongwith the appeal.

The appeal was remanded back to the trial court with certain directions by order of this court dated 21.7.2014.

Learned counsel appearing for the petitioner submits that the only ground for dismissal of these two applications was dismissal of the appeal. He submits that since now the appeal has been remanded back for fresh consideration these applications would have also to be heard on merits.

Perusal of the orders passed by the appellate court shows that these two applications which were filed by the petitioner have been dismissed on the ground that the appeal was not maintainable. Hence the applications were not dismissed on their own merits. Accordingly, it is clarified that the

trial court may adjudicate these applications also as per law uninfluenced by any observations made by this court.

Application stands disposed of accordingly.

Dasti.

**JAYANT NATH, J**

**JANUARY 23, 2017**

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