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

+ RFA(OS) 13/2017

PHOOL SINGH & ANR

..... Appellants

Represented by: Mr.Sudhir Naagar, Adv.

versus

BAL RAM @ BALLE

..... Respondent

Represented by: None

**CORAM:**

**HON'BLE MR. JUSTICE PRADEEP NANDRAJOG**

**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

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**09.03.2017**

CM No.9546/2017

Exemption is allowed subject to just exceptions.

RFA(OS) 13/2017 & CM No.9545/2017

1. With a delay of 895 days the instant appeal has been filed laying a challenge to the impugned order and decree dated August 12, 2014 dismissing suit filed by the appellant on ground that the appellant did not lead any evidence.

2. The right of the appellant to lead evidence was closed by the learned Joint Registrar on September 16, 2013.

*RFA(OS) 13/2017*

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3. Unless the order dated September 16, 2013 is got set aside by filing a Chamber Appeal, the appellant would have no case at all to challenge the impugned order and decree.
4. Under the circumstances learned counsel for the appellant does not press the appeal stating that the appellant intends to file a Chamber Appeal against the order dated September 16, 2013 passed by the learned Joint Registrar closing appellant's right to lead evidence.
5. The appeal and CM No.9545/2017 are dismissed as not pressed.
6. No cost.

**PRADEEP NANDRAJOG, J**

**YOGESH KHANNA, J**

**MARCH 09, 2017**  
**VLD**