

\$~A-29

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

+ CM(M) 276/2017

PANKAJ TOMAR	 Petitioner
Through	Mr.Anubhav Ray, Advocate
versus	
KARTAR SINGH & ORS	 Respondent
Through	

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **08.03.2017**

CM No.9411/2017

Exemption allowed, subject to all just exceptions.

CM(M) 276/2017 & CM Nos.9409/2017, 9410/2017 & 9412/2017

1. By the present petition the petitioner seeks to impugn various orders including order dated 28.11.2016, 27.01.2017, 30.01.2017, 31.01.2017, 06.02.2017, 17.02.2017 and 20.02.2017 passed by the trial court. The suit is filed by the petitioner for declaration, cancellation and permanent injunction seeking a decree of cancellation of Gift Deed dated 26.3.2012 with respect to second floor of the property bearing No.B-5, Block No.4, Northern Extension Scheme Poorvi Marg, New Delhi which is allegedly executed by defendant No.1 in favour of defendant No.2 i.e. by father of the petitioner in favour of the brother of the petitioner. The basic grievance of the petitioner is that by order dated 31.1.2017 the trial court noted that neither the plaintiff/petitioner nor his counsel have appeared despite repeated calls and order dated 28.11.2016 has not been complied with. Accordingly, the trial court closed the evidence of the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is ready and willing to comply with the directions of the trial court including payment of the fees of the Court Commissioner to record evidence in a time bound manner. He submits that, however, the petitioner has filed an application under section 151CPC for recall of order dated 31.01.2017 and for grant of permission to lead evidence. Learned counsel for the petitioner submits that the trial court is not disposing of the said application and has kept the matter for evidence of the defendants.

3. As the application is still pending before the trial court it is appropriate that the petitioner approaches the trial court for disposal of the said application. Liberty is granted to the petitioner to move an appropriate application for early disposal of the application filed earlier. In case such an application is filed, the trial court is requested to consider early disposal of the application filed by the petitioner for recall of order dated 31.01.2017.

4. Petition stands disposed of as above. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

MARCH 08, 2017

n

