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

+ CM(M) 346/2016 and CM No. 13594/2016

KAMAL DAGA Petitioner

Through Mr.L.B.Rai, Mr. Deokant Tripathi
and Mr.Vijay Awana, Advocates.

versus

GRAM SABHA MUNDKA & ANR Respondent

Through Mr. Sanjay Kumar Pathak and
Mr.Sunil Kumar Jha, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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12.01.2017

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 11.02.2016 by which the application filed by petitioner for recalling order dated 18.11.2015 by which his right to file a claim was closed was dismissed.
2. The matter pertains to proceedings under Sections 30 and 31 of the Land Acquisition Act. The petitioner is one of the interested parties. On 11.02.2016, the trial court noted that the petitioner has not filed any claim and the right of the petitioner to file the claim was closed.
3. The petitioner thereafter moved an application under Section 151 CPC claiming to be suffering from various ailments and requested that the said order dated 18.11.2015 be recalled.
4. The trial court by the impugned order noted that 12 opportunities have been given over more than two years but the petitioner has not filed the

claim petition. Disbelieving the submission of the petitioner holding that they do not inspire confidence, the trial court dismissed the application.

5. Learned counsel for the petitioner at the outset submits that there is some delay and negligence on the part of the petitioner. He submits that in the interest of justice and keeping in view the diseases being suffered by the petitioner, a last opportunity be granted to the petitioner to file his claim petition.

6. A perusal of the application filed under Section 151 CPC of the petitioner would show that it is stated that the petitioner is suffering from various eye diseases and also from Parkinson's diseases.

7. Keeping in view the above and the interest of justice, one last opportunity is granted to the petitioner to file his claim petition within four weeks from today subject to payment of cost of Rs. 7,500/- to respondent No. 2.

8. In view of the above, the present petition and all pending applications stand disposed of.

JAYANT NATH, J

JANUARY 12, 2017

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