

\$~54

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

+ **CM(M) 767/2017**

MOHD SHER NABI CHAMAN

..... Petitioner

Through: Mr. A. Maitri & Ms. Radhika
Chandra Sekhar, Advs.

Versus

M S SHARMA & ORS

..... Respondents

Through: Ms. Shobhana Takiyar & Mr. Arjun
Pant, Advs. for DDA.
Ms. Neelam Singh, Adv. for R-4&6.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **25.07.2017**

CM No.26035/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) 767/2017 & CM No.26034/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the order dated 11th July, 2017 in Suit No.8531/2016 of the Court of Additional Senior Civil Judge (ASCJ), Karkardooma Courts, Delhi.
4. However neither in the petition nor during the hearing has any grievance with respect to the order urged. The grievance urged is that the application dated 6th June, 2017 claimed to have been filed by the petitioner / plaintiff “for issuing the further directions to supply the relevant documents to the plaintiff for demarcation” has not been decided.

5. However there is nothing to show that the petitioner/ plaintiff on 11th July, 2017 pressed the said application if any preferred before the ASCJ.
6. Notice may be taken of the fact that the order dated 11th July, 2017 directs the parties to comply with the order dated 24th February, 2017 of this Court in CM(M) No.304/2014. I have enquired from the counsel for the petitioner/ plaintiff whether the documents sought in the application aforesaid are the same as the documents which are referred to in the order dated 24th February, 2015.
7. The counsel for the petitioner / plaintiff states that the order dated 24th February, 2015 only directs demarcation and does not refer to any documents.
8. If the petitioner / plaintiff has filed any application as aforesaid, it is open to the petitioner / plaintiff to press the said application before the ASCJ and there is nothing to show that the learned ASCJ has refused to deal with the said application.
9. I may in this regard also notice that the counsel for the petitioner / plaintiff did not even chose to appear before the learned ASCJ on 11th July, 2017 and the presence recorded is of the proxy counsel on his behalf. In this state of affairs, the contention that the application was pressed, cannot be accepted.
10. The counsel for the Delhi Development Authority appearing on advance notice states that the petitioner / plaintiff has encroached on public land and has been adopting dilatory tactics to perpetuate his possession.

11. The learned ASCJ is requested to keep the aforesaid fact in mind and to ensure that the proceedings are not unreasonably delayed.

10. With the aforesaid observations, the petition is dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

JULY 25, 2017

‘gsr’..