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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.R.P. 467/2004 & CM Nos. 12832/2004, 4309-10/2015

BIDI MAL JAIN THR.L.R'S Petitioners
Through: Ms. Kumkum Jain, Advocate.

versus

SETH MADAN GOPAL BAGLA Respondent
Through: Mr. Sidharth Mahajan with Mr. Vivek
Narayan Sharma & Mr. Umang
Verma, Advocates.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **21.02.2018**

After some hearing, the counsel for the petitioners agrees that at the stage when the objections under Section 60 (ccc) of the Code of Civil Procedure, 1908 were filed in the context of execution case No.3/2002 and which were dismissed on 27.08.2004 by the order impugned before this Court by the petition at hand, there being no warrant of attachment issued by the executing court, the matter could not have been taken up further, particularly in respect of execution of the warrant of possession on or about 05.01.1952, the correctness or legality of which execution was not even subject matter of the objections under Section 60 (ccc) of CPC which were raised in 2004. She submits, on instructions, from Sh. Adesh Kumar Jain, son of Sh. Naresh Kumar Jain, one of the legal heirs of deceased judgment

Debtor Bidi Mal Jain, who is present in person, that she may be allowed to withdraw the present petition as the petitioners and other legal heirs of the judgment debtor (since deceased) reserve their right to raise objections, as available in law, in the event of warrant of attachment of their property being issued in the execution proceedings arising out of the judgment and decree dated 20.11.1943 in civil suit No.262/1943.

The petition and the pending applications are dismissed as withdrawn, vacating the interim order.

R.K.GAUBA, J

FEBRUARY 21, 2018

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