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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 995/2005

SHRI BHAGWAN JAIN Plaintiff

Through: Mr. Kunal Kalra, Advocate

versus

SHEELA DEVI AND ORS Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% 02.04.2018

**I.A.4203/2018 (for direction), I.A.4204/2018 (for restoration),
I.A.4205/2018 (condonation of delay in filing) & I.A.4206/2018
(condonation of delay in re-filing)**

1. I was initially inclined to dispose of these applications by rejecting these applications in exercise of power under Section 24 CPC read with Article 227 of the Constitution of India, but counsel for the plaintiff, on instructions from the plaintiff who is present in person, states that the suit seeking the relief of specific performance is not pressed by the plaintiff and now the plaintiff is only seeking recovery of a sum of Rs.3,50,000/- paid by the plaintiff to the late owner Shri Shiv Ram Singh by giving up the relief of specific performance and that even this amount of Rs.3,50,000/- is being claimed only from those who have inherited the property from Shri

Shiv Ram Singh and provided if Shri Shiv Ram Singh was the owner of the property on the date of the death.

2. Subject to the aforesaid statement, and which is binding on the plaintiff, list before the District and Sessions Judge, Karkardooma Courts, Shahdara, Delhi on 1st May, 2018. District and Sessions Judge will mark the suit for disposal to a competent court in accordance with law.

3. Whatever original documents are lying in the Registry of this Court be sent along with the file and in case there are no original documents or pleadings on record then the photocopy which is now taken out by the Registry from the scanned copy of the file will be treated by the concerned court as the pleadings filed in the suit, but of course so far as original documents are concerned, parties will file the same in accordance with law in order to decide the limited issue with respect to claim of the plaintiff for refund of the sum of Rs.3,50,000/- along with interest.

VALMIKI J. MEHTA, J

APRIL 02, 2018

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