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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 457/2018, CM APPL.15538/2018 & CM APPL.15539/2018

TARLOCHAN SINGH (DECEASED) THR LRS Petitioner
Through: Mr. Yogesh Chhabra and Mr. I.R.
Singh, Advocates.

versus

GURMEET SINGH Respondent
Through:

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

ORDER
% **20.04.2018**

After some hearing, the counsel for the petitioner submits that he may be allowed to withdraw the present petition and the application filed therewith.

The petition and the application filed therewith are dismissed as withdrawn and instead the petitioner is allowed to move an application for review against the impugned order dated 24.02.2018 since, as per his submissions, the Trial Court has misconstrued the existing pleadings in the written statement, to assume that it was not pleaded that the construction of two rooms was under the licence and further because the law as declared in the context of the provision contained in Section 60(b) of the Indian Easements Act, 1882, in case reported as *Panchugopal Barua and others v. Umesh Chandra Goswami and others AIR 1997 Supreme Court 1041*, though cited in the application was not considered.

The petition and the application filed therewith are dismissed as withdrawn with liberty as prayed.

The application for review, as intended to be filed may be submitted, as undertaken, before the next date of hearing fixed in the matter before the Trial Court.

Needless to add, the Trial Court will first deal with the said application before proceeding further.

Dasti under the signatures of Court Master.

R.K.GAUBA, J.

APRIL 20, 2018

Rekha