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

+ RFA 578/2018 and C.M. Nos.29095/2018(stay) &
29096/2018(exemption)

RAMESH CHAN SETHI & ORS Appellants
Through: Mr. Pradeep Dewan, Senior Advocate
with Mr. Desh Raj, Advocate.

versus

FAQIR CHAND SATHI (DECEASED) THR LRS Respondents
Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **24.07.2018**

1. The appellants impugn the judgment dated 31.3.2018 on account of an obvious mistake in the same inasmuch as the impugned judgment itself records in para 24 of the judgment that sisters being defendant nos.2 to 4 on 10.12.2017 recorded a statement giving up their rights in equal proportion in favour of the two brothers being plaintiff and defendant no.1.

2. Accordingly, while disposing of this appeal as not pressed liberty is granted to the appellants to file an appropriate application before the trial court either under Sections 152/153 CPC or under Order 47 CPC.

In case the necessary application is filed by the appellants before trial court within a period of two weeks from today, then, trial court will not dismiss this application on the ground of limitation.

3. Since the appeal is withdrawn before arguments, appellants are entitled to refund of 50% of the court fee and the Registry will issue the necessary certificate in favour of the appellants.

VALMIKI J. MEHTA, J

JULY 24, 2018

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