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

+ C.R.P. 210/2017 and CM 34961/2017 and 34963/2017

BHAGWATI PRASAD SHARMA (NOW DECEASED)

THR HIS LEGAL HEIRS Petitioner

Through: Mr. Sanjiv Bahl, Mr. Ajay Bahl and Mr.
Arvind Sharma, Advocates

versus

PT. RAM SARUP SHARMA (DECEASED) THR LRS... Respondent

Through: Mr. Ram Kishan Saini, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **14.03.2018**

After some hearing, the learned counsel for the petitioner submits that he may be permitted to withdraw the present petition and the applications filed therewith and instead be given liberty to raise the issue that the observations recorded by the Administrative Civil Judge in judgment dated 24.07.2009 in the suit (old no.269/1990, new no.379/2006) of the respondent as to the title in relation to the subject property described as property bearing no.B-95, Pandav Nagar, Patparganj, Delhi which judgment was affirmed by order dated 28.04.2017 of the Additional District Judge in appeal (RCA 194/16) cannot operate as *res judicata* in the proceedings arising out of suit no.106/93/2010 which was dismissed by the Civil Judge by judgment dated 09.05.2014, and the same having been challenged by first

regular appeal presently pending in the court of Sh. Sanjay Sharma, Additional District Judge (East) at Karkardooma Courts Complex, the appropriate submissions in this regard being made before the first appellate court.

The petition and the applications filed therewith are dismissed as withdrawn with liberty to urge such contentions as above before the first appellate court in the aforementioned proceedings being granted.

R.K.GAUBA, J.

MARCH 14, 2018

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