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

+ **MAT.APP.(F.C.) 37/2019**

SIMAR GULATI

..... Appellant

Through: Mr. Prabhjit Jauhar and Ms.
Rosemary Raju and Ms. Upasana
Goel and Ms. Aishwarya, Advocates

versus

HITENDRA LUTHRA

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **06.02.2019**

CM APPL. 5695/2019 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

RFA(OS) 37/2017 and CM APPL. 5694/2019 (stay)

Aggrieved by the order dated 18.01.2019, the present appeal has been instituted. Counsel for the appellant submits that the proceedings were conducted at the office of the Local Commissioner who is a retired District Judge, at the instance of the respondent, who informed the appellant of the venue by an E-mail dated 16.02.2018. It is thus contended that in case the respondent no.1 had any objection to the proceedings being conducted in the said office, he should have objected to the same at the first opportunity available to him. He further contends that once the evidence has been

recorded and it was not objected to initially, respondent cannot be allowed to seek the relief which has been granted to him by the impugned order.

Issue notice to show cause as to why the appeal be not admitted. Notice in the stay application as well, returnable on 12.03.2019.

G.S.SISTANI, J

JYOTI SINGH, J

FEBRUARY 06, 2019

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