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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 178/2015**
KISHAN

..... Petitioner

Through : Mr.S.N.Bhardwaj, Advocate.

versus

KRISHNA MANDIR TRUST

..... Respondent

Through : None.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **28.02.2019**

CM APPL No.9767/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL Nos.9765/2019 (restoration), 9766/2019 (stay), 9797/2019 (delay)

The applicant / petitioner moved CM No.9765/2019 for restoration of the petition which was dismissed for non-prosecution vide order dated 25.01.2019; CM No.9766/2019 for stay of said order; and CM APPL No.9797/2019 for delay condonation in moving the restoration application.

It is submitted per order dated 12.12.2018, in the presence of the learned counsel for petitioner/ applicant, the Review Petition No.212/2018 and connected applications were adjourned to 27.03.2019 and interim order was directed to be continued. However, he could not appear on 25.01.2019 when learned counsel

for the respondent appeared and made a wrong statement that petitioner is in default of payment of user / occupation charges and in the absence of the petitioner, the petition was dismissed for non-prosecution.

The learned counsel for the petitioner/applicant now urges the petitioner was never in default and a false statement has been made by the learned counsel for the respondent and that pursuant to the dismissal of petition on 12.12.2018, warrants of possession has been applied by the respondent and now the Bailiff has also been appointed.

In view of submissions so made, issue notice to the respondent of this application through all modes returnable on 27.03.2019 and in the meanwhile, the interim orders as were in force on 12.12.2018 shall be operative and the execution proceedings initiated by the respondent shall remain stayed till next date of hearing.

Copy of this order be given dasti under signature of the Court Master.

YOGESH KHANNA, J.

FEBRUARY 28, 2019

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