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

+ RFA (OS) 53/2019 & CM Nos. 41757/2019 (by respondent Nos. 1 to 3 for condonation of delay in filing reply to CM No. 24502/2019) & 24502/2019 (by the appellants for stay of operation of the impugned order dated 15.03.2019)

RAMANDEEP SINGH & ANR.

..... Appellants

Through: Mr. Raman Kapur, Senior Advocate
along with Mr. Varun Kapur,
Advocate.

versus

ESVINDER SINGH & ORS.

..... Respondents

Through: Mr. Chander M. Lall, Senior
Advocate along with Mr. Jatin
Sharma, Advocate for respondent
Nos. 1 to 3.

Mr. Suwarn Rajan Chauhan and Mr.
Abhilash Gupta, Advocates for
respondent No. 4.

Ms. Savita Malhotra, Advocate for
respondent No. 5.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

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12.03.2020

The present appeal assails an Order dated 15th March, 2019, whereby, the learned Single Judge directed corrections to be carried out in the preliminary decree dated 8th January, 2018 and final decree dated 14th May, 2018 in Civil Suit bearing CS(OS) 232/2017, tilted as “*Esvinder Singh & Ors. vs. Chasvinder Singh & Ors.*”.

The issue that arises for determination in the present appeal is within a

very narrow compass. We are called upon to adjudicate whether the corrections directed to be carried out by the learned Single Judge vide the Order under appeal fall within the scope and ambit of the provisions of Section 152 of the Code of Civil Procedure, 1908.

After lengthy arguments, Mr. Chander M. Lall, learned Senior Counsel appearing on behalf of Mr. Esvinder Singh, the original plaintiff, on instructions states that, he has no objection, if the present appeal is allowed and the impugned judgment and Order dated 15th March, 2019, is set aside; subject, however, to the original plaintiff being granted liberty to assail the Orders dated 8th January, 2018 and 14th May, 2018, rendered in CS(OS) 232/2017, by way of an appropriate proceeding, in accordance with law, including a review, if so advised.

In view of the foregoing, with the consent of learned counsel appearing on behalf of the parties, the impugned Judgment and Order dated 15th March, 2019 is set aside whilst reserving liberty to the original plaintiff, as prayed. Pending applications also stand disposed of.

Needless to state that, it will be open to the appellants to urge all legal submissions, as may be available to them in law, in the event, an appropriate proceeding, in accordance with law, is initiated on behalf of the original plaintiff.

SIDDHARTH MRIDUL, J

TALWANT SINGH, J

MARCH 12, 2020/RS

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