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

+ CM(M) 2141/2024, CM APPL. 16662/2024—stay, CM APPL. 16663/2024—for getting the R-1 to 5 served notice through their counsels

RAMESH CHAND JAIN

..... Petitioner

Through: Mr. Subhankar Sen Gupta, Adv.

versus

GHASI RAM JAIN (SINCE DECEASED) THROUGH HIS LRS
AND ORS

..... Respondents

Through: Respondent No. 1B Mr. Dharam Chand Jain in person and on behalf of LRs of deceased of respondent no. 1 as SPA.

Mr. J.K. Bhola, Mr. Mohit Mittal, Mr. Gaurav Jain, Mr. Ankit Jain, Ms. Muskan Bhola and Mr. Pratap Paliwal, Advs. for R-2 & 3.

Mr. Y.R. Sharma, Adv. for R-4.

Respondent no. 5 Chandresh Jain in person.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
10.04.2024

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1. The present petition has been filed under Article 227 of the Constitution of India impugning the order dated 13.02.2024 passed by learned ADJ-05 (South-West) , Dwarka Courts, Delhi (“Trial Court”), in CS ADJ 16857/2016 titled as “Ghasi Ram Jain v. Padam Chand Jain & Ors.”,
2. Petitioner herein is defendant no. 3 before the learned Trial Court.



3. It is submitted that a suit for partition and permanent injunction was instituted by late Ghasi Ram Jain against respondent no. 2, 3 (now deceased) and 4 on 14.08.2000.
4. Mr. Dharam Chand Jain, respondent no. 1B is present in person and on behalf of the legal heirs of deceased respondent no. 1 as SPA. He accepts notice on behalf of all the legal heirs of deceased respondent no. 1.
5. Learned counsel for the petitioner submits that on behalf of defendant no. 3, a list of witnesses has been filed on 06.02.2024 in pursuance to the order dated 30.01.2024 of the learned Trial Court. However, on 13.02.2024 when the matter was listed before the learned Trial Court, it did not pass any order on the said list of witnesses but granted limited permission to defendant nos. 3, 4 and 5 for Defendant Evidence (“DE”) in time bound manner subject to cost. In view thereof, defendants were only permitted to depose themselves as witnesses.
6. Learned counsel submits that he seeks permission to withdraw the present petition with liberty to move an appropriate application as per law before the learned Trial Court contending the submissions that have been made before this Court with respect to the other witnesses to be examined for which list of witnesses has already been filed before the learned Trial Court.
7. The permission to withdraw the petition and the liberty to move an appropriate application before the learned Trial Court on date already fixed i.e., 12.04.2024 is granted. The learned Trial Court to dispose of their application as per law with respect to the other witnesses to be examined for which list of witnesses has already been filed before the learned Trial Court.
8. Accordingly, the petition along with pending applications stand



disposed of.

APRIL 10, 2024
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SHALINDER KAUR, J