



\$~24

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

+ **FAO(OS) 95/2024 & C.M.Nos.37740-37742/2024**

SMT HARINDER KAUR (DECEASED)

THROUGH LR

.....Appellant

Through: Mr.Pawanjit Singh Bindra,
Sr.Advocate with Mr.Lakshay
Dhamija, Mr.S.S.Chadha, Mr.Sunav
Rastogi and Mr.Sagar Rawat,
Advocates.

versus

SHRI JATINDER PAL SINGH & ANR.

.....Respondents

Through: Mr.Sachin Verma, Advocate for R-1
(Through VC)
Mr.Amit Singh Chauhan with
Mr.Mohit Kochhar, Advocates for R-
2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

12.07.2024

%

1. Present appeal has been filed challenging the order dated 15th December, 2023 passed by the learned Single Judge in I.A. No. 8939/2023 (application filed on behalf of the appellant under Order XXXIX Rule 2A CPC, 1908 against respondent no. 1 for violation of orders dated 23rd October, 2018 and 10th April, 2023) in CS (OS) 540/2018 whereby the learned Single Judge disposed of the application on the ground that no further action is made out on the contempt application. The appellant further challenges the order dated 4th January, 2024 passed by the learned Single Judge in I.A. No. 166/2024 (application filed on behalf of the appellant under Section 151 CPC for correction of order dated 15th December, 2023)



whereby the application in essence seeking restoration of I.A. 4728/2022 was dismissed.

2. After some arguments, learned senior counsel for the appellant states that the appellant would be satisfied if respondent no.2 were to make a statement that the entries in the Mutation and the Revenue Record would not be relied upon by respondent no.2. He also prays that I.A.No.4728/2022 be restored for hearing, as the said application was not withdrawn by the appellant.

3. Learned counsel for respondent no.2 fairly states that the respondent no.2 does not wish to rely on the entries made in the Mutation and the Revenue Record. He also states that though I.A.No.4728/2022 is meritless, yet he has no objection if the same is heard by learned Single Judge and decided on merits instead of being dismissed as withdrawn.

4. Learned senior counsel for the appellant states that the appellant is satisfied with the statements/assurances given by learned counsel for respondent no.2.

5. Recording the aforesaid statements and holding the respondent No.2 bound by the same, the present appeal along with the applications is disposed of and I.A. 4728/2022 is restored on the file of the learned Single Judge. This Court clarifies that it has not commented on the merit of the controversy in I.A.No.4728/2022. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 12, 2024/KA