

UNION OF INDIA
Vs.
GRAM SABHA HOLAMBI KALAN

22/07/2022

Present: Proxy Counsel for IP No. 1.
Mr. Virender Kumar, Ld. Counsel for IP No. 2.
(Through VC)
Ms. Sahista Aslam, Proxy Counsel for
Ms. Sugandha Bhatia, Ld. Counsel for IP No. 3.
Mr. I.S. Dahiya, Ld. Counsel for IP No. 6.
Mr. Jitender Kumar, Ld. Counsel for IP No. 8.
IP No. 4 & 5 already proceeded ex-parte vide order
dated 02.05.2018.
IP No. 7, 9 and 10 were already proceeded ex-parte
vide order 08.04.2010.

Perusal of the record, it reveals that this case was forwarded by the LAC on October 30, 2006 and thereafter, the notice was served upon by all the concerned parties by this court.

This is a very old case in this Court and it is mandate by the Hon'ble High Court as well as Hon'ble Supreme Court of India that the oldest cases be taken up at the priority basis and be disposed off as early as possible.

Perusal of the ordersheets, it also reveals that IP no.2 and IP no.3 has tried to prolong the proceedings of this petition by this way or the other and sometimes, proxy counsel for IP

no.2 and sometimes, proxy counsel for IP no.3 appeared and sought adjournment on this way or the other.

That on dated 14.12.2021, one Ms. Ananya Rai, ld. Counsel for IP no.2 appeared and Ms. Sugandha Bhatia, ld. Counsel for IP no.3 Sh. Vikas Kumar Narwal appeared and IP no.3 Sh. Vikas Kumar Narwal was absent and case was fixed for 17.02.2022 for personal appearance of IP no.3 but on 17.02.2022, no one was appeared for IP no.3 and the case was fixed for 05.05.2022 and after given the date and after sometime, one counsel Sh. S.K.Sangwan, ld. Counsel for IP no.1 and IP no.3 appeared and request to mark his presence.

That on 05.05.2022, none was also appeared for IP no.1, 2 and 3 and the case was fixed for 18.05.2022 and case was fixed for consideration on all pending applications and for appearance of IP no.1, 2 and 3 and on 18.05.2022, no one was appeared on behalf of IP no.2 and 3 but the court had issued the court notice to IP no.2 and 3 for 01.06.2022.

On dated 01.06.2022, when the process server visited the address of IP no.2 Sh. Virender Kumar, S/o Sh. Ram Chander and IP no.3 Sh. Vikas, S/o Sh. Kaptan Singh, then, he found the premises locked and the process server has mentioned in the report of the court notice that the premises of IP no.2 and 3 were found locked. After perusal of the report of the process server, the court again issued the court notice through affixation at the conspicuous place of the IP no.2 and 3 and it has been specifically mentioned that if IP no.2 and 3 do not allow the process server to take the photographs of affixation of the court

notice on the address of IP no.2 and 3, then the process server is directed to seek the assistance of SHO Narela Industrial Area and the case was fixed for 08.06.2022.

And on dated 08.06.2022, again IP no.2 and 3 has not appeared and court has observed and mentioned in the ordersheet that IP no.2 and 3 are not appearing and it is not the duty of the court to issue any court notice, however, in the interest of justice, fresh court notice was issued to IP no.2 and 3 through affixation and the case was fixed up for 19.07.2022.

And even after service of the court notice through affixation, the IP no.2 Sh. Virender Kumar, S/o Sh. Ram Chander and IP no.3 Sh. Vikas, S/o Sh. Kaptan Singh has not appeared and one proxy counsel Ms. Siasta, proxy counsel for counsel for Ms. Suganda Bhatia for IP no.3 appeared and the case was fixed for 22.07.2022 at 12.00 pm for personal appearance of IP no.2 Sh. Virender Kumar, S/o Sh. Ram Chander and IP no.3 Sh. Vikas, S/o Sh. Kaptan Singh and for arguments on all pending applications and even despite directions of this court, IP no.2 and IP no.3 has not appeared today personally and time and again, IP no.2 Sh. Virender Kumar has tried to mark his presence through VC and also make a call and messages several times to the Reader of this court through his mobile no.9910071948 to the phone number of the Reader of this court i.e. 8588865799. The Reader of this court has asked the IP no.2 that there is a specific order for personal appearance of IP no.2 and 3 but no reply in this regard has been made by IP no.2.

The court has asked Ms. Sahista Aslam, who has

stated that she is the proxy counsel of Ms. Sugandha Bhatia, counsel for IP no.3 and when the court asked her as to who has authorized her to make her submission on the application u/o IX Rule 13 of CPC being filed by the IP no.3, then, she has stated that IP no.3 Sh. Vikas and Ms. Sugandha Bhatia, Advocate has authorized her to make the submission on the application u/o XXXIX Rules 1 & 2 CPC.

Perusal of the record, it reveals that there is no vakalatnama either of Ms. Sahista Aslam, proxy counsel for IP no.3 or Ms. Sugandha Bhatia, ld. counsel for IP no.3 and the court has asked ld. Proxy counsel Ms. Sahista Aslam to show the vakalatnama on the judicial file, then, she has submitted that the vakalatnama of Ms. Sugandha Bhatia on behalf of IP no.3 is not on record and she shall file the vakalatnama of IP no.3.

The identity of IP no.3 Sh. Vikas is disputed as there is a report on the court notice that he is not residing at the given address. The evidence of all the interested persons except IP no.3 has already been recorded long back and the matter is only fixed the disposal of the application filed by IP no.2 and 3 and they both tried their level best to prolong the proceedings of this petition either this way or the other. Therefore, be put up for personal appearance of IP no.2 Sh. Virender Kumar, S/o Sh. Ram Chander and IP no.3 Sh. Vikas S/o Sh. Kaptan Singh to appear in person on 25.07.2022 at 12.00 noon with the photocopy of Adhaar Card and for arguments on all pending applications being filed by IP no.2 and IP no.3 as last and final opportunity.

It is made clear and apprise to all the counsels who

appeared for different IPs that it is a very old case of the year 2006, therefore, the case be taken up on day-to-day hearing and no adjournment shall be granted at any cost to any of the interested persons 1 to 10.

(Satish Kumar)
ADJ-1(North)/Rohini Courts
Delhi/22/07/2022