

25.07.2023

Present: Sh. R.S. Mahendra, Counsel for applicant/appellant
alongwith applicant/ appellant.

Sh. S.K. Sangwan, Counsel for R-1/GS.

Ms. Vasu Singh , counsel for R-2 to R-4.

None for R-5/SHO PS S.P. Badli.

Sh. Mukesh Kumar, Patwari from LAC office.

Heard. Perused.

Applicant/ appellant has filed present application for review/recalling of order dated 17.01.2020 passed by ld. Predecessor of this Court vide which the appeal filed by appellant/applicant was dismissed for non-prosecution.

Submissions on application in hand heard.

ld. Counsel for R-1 has filed BTF as well as reply qua application in hand. Copy supplied.

I have perused the record carefully.

Perusal of record shows that the appeal was received by way of assignment on 16.07.2018. Vide order dated 16.07.2018 TCR was summoned and notice of appeal was issued to respondents for 25.09.2018. On 25.09.2018 counsel for MCD requested that complete set of documents be supplied. The said request was allowed and matter was adjourned for arguments for 20.10.2018. On 20.10.2018 Ld. P.O. was on leave. Matter was adjourned for 19.02.2019. On 19.02.2019 appellant had appeared in Court and requested for pass over. The said request was declined due to heavy pendency. Matter was adjourned for

28.08.2019. On 28.08.2019 son of appellant had appeared in Court and requested for adjournment. The said request was allowed and matter was adjourned for 17.01.2020. On 17.01.2020 counsel for appellant had filed fresh vakalatnama and had sought adjournment. On the same day vide impugned order dated 17.01.2020 appeal was dismissed for non-prosecution.

Keeping in view the totality of facts, circumstances and aforesaid proceedings the order dated 17.01.2020 is hereby recalled and the appeal is hereby restored to its original number. The application in hand is hereby allowed and disposed off accordingly.

Appellant is directed to implead defendant no.5/Badli Vikas Welfare Association and defendant no.7/Ami Chand as respondents in the present appeal.

Appellant is directed to file fresh Memo of parties and is directed to take steps qua defendant no.5&7 for next date of hearing.

Appellant is also directed to supply copy of present appeal alongwith annexures to counsel for R-1 within one week from today against proper receipt.

Now to come up on 28.11.2023 for arguments and disposal of present appeal.

(Deepak Dabas)
ADJ-1(North)/Rohini Courts
Delhi/ 25.07.2023