

EX 3591/2018

Case called out. Counsel for DHR present and submits that may be taken as heard. Jdr and Counsel absent. Arguments on IAs taken as nil. Call later.

V ACC & SJ, Bengaluru.

Later Called out. Heard on IA 1 and 2. The applicant / JDR has filed these applications to recall previous order dated 30.11.18 and 30.03.19 with permission to file objections to main petition stating that there is no order to execute the sale deed in respect of the site bearing No. 214 or 215 in favour of DHR. Per contra DHR contend that he has obtained an award against the JDR and now he has filed application to recall only to denied rights of the DHR.

Heard and perused the material on record.

The point that arises for my consideration is whether IA No. 1 and 2 are deserve to be allowed?

My answer to the above point is

in affirmative for the following reasons.

It is worth to note that admittedly DHR has filed the above numbered petition for execution of award stating that the same is remained unchallenged. At this stage the Jdr has appeared and filed these applications seeking permission to file objections to main petition by recalling previous orders and to proceed with the case on merits. Therefore having regard to the facts and circumstance of the case IA s are deserve to be allowed subject to payment of cost. Hence proceed to pass the following

ORDER

I.A. No. 1 and 2 are hereby allowed on payment of Cost of Rs. 500/-.

Consequently previous warrant stands recalled.

For arguments / further steps.
Call on 13.01.2020.

V ACC & SJ, Bengaluru.