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

+ CM(M) 1206/2022 & CM APPL. 48327/2022, CM APPL.
48328/2022

DHARAM PAL DECEASED THROUGH LRS. & ORS.

..... Petitioners

Through: Ms. Seema Sharma and Ms. Shalini Thakur, Advs.

versus

DAVENDER & ORS.

..... Respondents

Through: Mr. Kartikay Yadav, Adv. for MCD/R-5.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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11.11.2022

CM APPL. 48328/2022 (exemption)

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

CM(M) 1206/2022 & CM APPL. 48327/2022 (stay)

3. The impugned order dated 06th July 2022, passed by the learned Senior Civil Judge (learned SCJ) in CS 370/2008 (***Dharam Pal v. Devender***) dismisses the application filed by the petitioner for demarcation of the property forming subject matter of the said suit.

4. Ms. Seema Sharma, learned counsel for the petitioner, submits that as there was a dispute regarding the area, location and Khasra number to which the disputed property pertains, demarcation of the suit property was necessary and the learned SCJ was in error in rejecting the petitioner's request in that regard.



5. Issue notice, returnable on 18th January 2023.
6. Notice be served on the respondents by all modes including *dasti* as well as through learned Counsel who appears on behalf of the respondents before the learned SCJ. Mr. Kartikay Yadav accepts notice on behalf of MCD/R-5. Let notice issue to other respondents, returnable on 18th January 2023.
7. Till the next date of hearing, there shall be a stay of proceedings in CS 370/2008.
8. Re-notify on 18th January 2023.

C.HARI SHANKAR, J

NOVEMBER 11, 2022/hk