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

+ **CS(OS) 562/2024**

DEVENDER CHAUHAN & ORS.Plaintiffs

Through: Mr. Anuroop P.S., Advocate.

versus

KARAN SINGH & ORS.Defendants

Through: None.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **19.11.2024**

I.A.45394/2024 (Application under Section 5 of Limitation Act, 1963)

1. For the reasons stated in the application, the delay of 55 days in filing I.A. 45393/2024 is condoned.

2. Accordingly, this application is disposed of.

I.A.45393/2024 (Application under Section 151, 152 and 153 of CPC for recalling of Order dated 22.07.2024)

3. This is an application filed by the plaintiffs stating that the main counsel was indisposed on 22.07.2024 and continues to remain indisposed.

4. It is stated that the junior counsels appearing in the matter were not aware that the Village Madanpur Khadar stands urbanised as on 28.05.1996 and therefore, the remedy, if any, available to the plaintiffs lies under the jurisdiction civil court.

5. Learned counsel for the plaintiffs states that though the Court has reserved liberty to the plaintiffs in the order dated 22.07.2024, the



appropriate forum remains to be the civil court and therefore, he prays for recall of the said order and to restore the suit to its original number.

6. For the reasons stated in the application, the application is allowed. Order dated 22.07.2024 is recalled and the suit is restored to its original number.

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7. No documents have been filed with this suit evidencing prima facie title rights to the suit land in favour of the plaintiffs. Learned counsel for the plaintiff seeks time to place on record the documents evidencing plaintiff's right to seek partition in the suit land.

8. List on **31.01.2025**.

MANMEET PRITAM SINGH ARORA, J
NOVEMBER 19, 2024/uk/AKT