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

+ RFA 968/2016

AMRIK SINGH RATHOR Appellant
Through: Mr. Gurvinder Singh, Advocate

versus

RANJIT KAUR (DECEASED) THR LRS & ORS..... Respondents
Through: Mr. Rahul Pandey, Advocate with
Mr. Ranjan Roy, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
27.01.2017

CAV 1041/2016

The caveat has already been discharged vide order dated 09.12.2016.
The Registry is directed not to show the same as pending in the cause list.

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1. The appellant/plaintiff is aggrieved by the judgment dated 31.08.2016 passed by the trial court, dismissing his suit for declaration, cancellation of gift deed and for permanent and mandatory injunction in respect of the half portion of the ground floor (back side) and half portion of the second floor (back side) of a residential premises situated in Rajouri Garden.
2. Though the appellant has taken a plea that the trial court had erred in arriving at a conclusion that the suit premises is an ancestral property, learned counsel for the appellant states that the appellant does not wish to

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question the partition deed executed between the father of the parties, late Shri Manmohan Singh and his siblings on the demise of their father, late Shri Gurdas Singh and instead, proposes to confine his pleas in this appeal to the mental state of late Shri Manmohan Singh at the time of executing the gift deed, in respect of which findings have been returned against the appellant, in issues No.2 and 4.

3. Counsel for the appellant states that before addressing arguments in the appeal, which is at the stage of admission, he may be permitted to file an application under Order XLI Rule 27 CPC. He seeks four weeks' time to do so. An advance copy of the application shall be furnished to the counsel for the respondents.

4. List on 17.03.2017.

HIMA KOHLI, J

JANUARY 27, 2017

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