

CWP No. 511 of 2004 and
CMPMO No. 373 of 2017

CWP No. 511 of 2004

6.7.2021

Present: Mr. Anirudh Sharma, Advocate, for the petitioner.

Mr. Hemant Vaid and Mr. Ashwani Sharma, Additional Advocate Generals for respondents No. 1 and 2.

None for respondent No.3.

Mr. B.C Negi, Sr. Advocate with Mr. Nitin Thakur, Advocate for proposed respondents.

CMPMO No. 373 of 2017

Mr. Romesh Verma, Advocate, for the petitioner.

Mr. Parmod Singh Thakur, Advocate for respondents No.1 (a) to 1 (c).

CMPMO No. 373 of 2017

Believing the statement made at bar by the learned counsel appearing for the contesting litigants that the cause of action and the subject matter embodied in the afore CMPMO, is, completely distinct from the subject matter embodied in CWP No. 511 of 2004, hence, CMPMO No. 373 of 2017 is ordered to be de-linked from CWP No. 511 of 2004.

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2. The learned counsel appearing for the petitioner submits that he has assailed the order of 28.7.2017 passed by the learned District Judge (Forest) Shimla, where through, an application moved under the provisions of Order 6 Rule 17 read with Section 151 of CPC, became dismissed, by the learned District Judge concerned.

3. Be that as it may, the learned counsel appearing for the petitioner, submits, that though the order of dismissal made on the afore application was required to be embodied, yet he has embodied in Annexure P-5, the application, preferred by the applicants/respondents under the provisions of Order 6 Rule 17 read with Section 151 of C.P.C, where on an affirmative order became rendered by the learned District Judge concerned. Consequently, as prayed for, the learned counsel for the petitioner, he is permitted, to, within two weeks, move an appropriate application for placing on record, the, order of dismissal passed, by the learned District Judge (Forest) Shimla, upon, an

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application preferred under the Provisions of Order 6 Rule 17 readwith Section 151 of CPC. List after two weeks.

CWP No. 511 of 2004

Since the learned Mediator has reported that his mediatory efforts for begetting an amicable settlement amongst the parties at contest, have not yielded the requisite results. Consequently, the writ petition be listed for physical hearing. The vice counsel appearing for the petitioners submits that the hitherto counsel appearing for the petitioners has expired. Consequently, Court notice be issued to the petitioners returnable within three weeks.

6th July, 2021
(Priti)

(Sureshwar Thakur),
Judge.