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

+ CM(M) 271/2017

MOHD FARMAAN Petitioner

Through Mr. Gurmeet Singh and Mr. Naish
Ranjan, Advocates.

versus

KRISHNA DEVI Respondent

Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **06.03.2017**

CM No.9049/2017

Exemption allowed, subject to all just exceptions.

CM(M) 271/2017 & CM No.9048/2017 (stay)

1. By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 17.02.2017.
2. It is submitted that on the said date the objections filed by the petitioner who claims to be a bona fide purchaser of the suit property were dismissed without hearing the counsel for the petitioner.
3. A perusal of the impugned order would show that in the proceedings presence of the objector Mohd.Farman with counsel has been noted. However, learned counsel for the petitioner points out that this is an error apparent on the face of the record as on the second page of the order, the

court has recorded that the counsel for the petitioner neither appeared to argue on the objections nor filed written statement despite giving time. It is stated that there was mix up as the lawyer engaged by the petitioner did not appear and hence, the petitioner should not be penalised for the same.

4. Keeping in view that the order sheet seems to record the presence of the petitioner and his counsel at one place and different presence is marked at another place, it is in the interest of justice, the petitioner be permitted to move an appropriate application before the trial court for review/recall of the order dated 17.02.2017. In case such an application is filed, the trial court may consider the same as per law expeditiously.

5. In view of the above liberty, the petition stands disposed of.

6. All pending applications also stand disposed of.

A copy of this order be given dasti under signatures of the Court Master to learned counsel for the petitioner.

JAYANT NATH, J.

MARCH 06, 2017/rb