

Case No. 124/2008

Jug Lal & Ors. Vs. G.S. Rajokari & Ors.

30.05.2014

Present : Ms. Suman, Counsel for the Petitioners.

Sh. S. K. Suryan, Counsel for R-1, Gaon Sabha

1. Brief facts of the case are that on the basis of report of Halka Patwari dated July 9, 1998, proceedings under section 86A for ejectment were initiated. Revenue Assistant vide order dated March 31, 2000 passed an ejectment order against the petitioner in respect of Khasra No.503/2. Appeal filed before the then Financial Commissioner was dismissed. Subsequently, petitioner filed a WP (C) before Hon'ble High Court. Hon'ble High Court set aside the order of RA and remanded the case back to RA with the direction to start proceedings *de-novo* after giving opportunity to petitioner.
2. Accordingly, RA started the proceedings under section 86-A *de-novo*. The Revenue Assistant vide impugned order dated June 4, 2007 and fixed the next date of hearing in the case to July 18, 2007 rejecting the application filed by the petitioner under order 7 rule 11(d) of CPC for rejection of plaint of Gaon Sabha being time barred. Aggrieved by the above order, petitioner filed the present revision petition.
3. Heard both the Counsels exhaustively. Since the proceedings under section 86A is pending before RA, and petitioner is challenging order on an interim application only and the main proceedings under section 86-A is still pending adjudication before Revenue Assistant who is hearing the same *de-novo* under the direction of Hon'ble High Court. I do not find

any reason to interfere with the matter at this stage. Accordingly, the petition is dismissed with the liberty to petitioner to participate in the proceeding before Revenue Assistant. Announced in the open Court.

4. File be consigned to record room after completion.



(D. M. Spolia)
Financial Commissioner
Delhi.