

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

+ CS(OS) 3236/2012

Decided on : 25.02.2015

IN THE MATTER OF:

CHARAN SINGH SHARMA

..... Plaintiff

Through : Mr. S.K. Rungta, Sr. Advocate with
Mr. Prashant Singh, Advocate with
plaintiff in person.

versus

VEENA DEVI & ORS

..... Defendants

Through : Mr. Abhishek Mudgal, Adv.
for D-1 to 4 & 7.
Mr. Ankur Singhal, Advocate for D-5 & 6.

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J.(Oral)

1. The plaintiff has instituted the present suit against the defendants seeking declaration, cancellation of the sale deed, relinquishment deed, etc., in respect of plot bearing No.634, measuring 200 sq. yards situated in village Salimpur Majra, Madipur, Delhi.
2. Pleadings are complete and the suit is listed for framing of issues.
3. Learned counsel for the defendants No.1 to 4 and 7 has raised an objection with regard to the maintainability of the present suit on the ground that the plaintiff has already instituted a suit against defendants No.2 and 5 to 10 for a decree of declaration in respect of the very same

property and the said suit is pending adjudication in the court of the learned ADJ, Rohini Courts, wherein pleadings have been completed. He submits that in view of the aforesaid position, the present suit is barred by *res judicata*.

4. Mr. Rungta, learned Senior Advocate appearing for the plaintiff states, on instructions, that he may be permitted to withdraw the present suit, while reserving the right of the plaintiff to pursue the aforesaid suit filed prior in time and pending in the trial court and also to file an amendment application therein for seeking additional reliefs, in accordance with law.

5. In view of the aforesaid submission, the present suit is disposed of with liberty granted to the plaintiff to pursue the suit filed by him in the trial court in respect of the suit property. If the plaintiff files an application for seeking amendment of the plaint in the said suit, the same shall be considered and decided by the concerned court in accordance with law.

FEBRUARY 25, 2015
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(HIMA KOHLI)
JUDGE