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

+ RSA 343/2015

RAM RICH PAL SHARMA & ORS

..... Appellants

Through: Mr. Ashok Gurnani, Advocate.

versus

BHUSHAN LAL SAWHNEY

..... Respondent

Through: Mr. Anurag Lakhotia, Advocate with
Mr. Rishi Kulshrestha, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **19.08.2016**

C.M. No.5075/2016 (cross objections under Order 41 Rule 22 CPC)

1. By means of these cross objections, two points are urged by the respondent against the judgment of the first appellate court dated 17.1.2015. The first ground urged is with respect to the order remanding the suit to the trial court for leading evidence to decide as to whether or not the suit land falls or continues to fall within the Delhi Land Reforms Act, 1954 (hereinafter referred to as 'the Act') so that civil court will not have jurisdiction under Section 185 of the Act. The second aspect is the challenge by the respondent to the issue of ownership held in favour of the

appellants by the first appellate court.

2. So far as the second issue of ownership is concerned, the same would require arguments only if the first issue is held against the respondent in that the civil court would continue to have jurisdiction to try the suit because the land would not be governed by the Act. On this aspect, evidence is already going on before the trial court pursuant to the judgment passed by the first appellate court of remand being the judgment dated 17.1.2015.

3. Accordingly, for the time being, it is agreed that there is no challenge to the remand order only limited to the issue of deciding by evidence by the trial court as to whether or not the suit land is or is not governed by the Act, and if it is so governed, then, possibly Section 185 would bar the jurisdiction of the civil court. The other aspect of challenge to the ownership issue in favour of the appellants would become relevant at that stage and at that stage these cross objections on this aspect of finding against the respondent of ownership of appellants of the suit land would be considered.

4. List for further proceedings on 23rd December, 2016. At

request of the respondent, it is clarified that appellants will not take unnecessary adjournments in the trial court with respect to leading of evidence pursuant to the remand order/judgment dated 17.1.2015.

VALMIKI J. MEHTA, J

AUGUST 19, 2016

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