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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 55/2016
RAJ LAXMI GUPTA Petitioner
Through Mr.Girish Kumar, Adv.
versus
MUNNAWAR HASSAN Respondent
Through None.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **20.01.2016**

C.M. No.2050/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 55/2016 & C.M.No.2051/2016

Order impugned before this court is the order dated 15.9.2015 vide which the application filed by the defendant under Section 151 C.P.C. seeking permission of the Court to examine the additional witnesses has been declined and rightly so.

The present suit is a suit for possession filed under Section 6 of the Specific Relief Act. Two witnesses were examined by the defendant. It was at this stage that the present application under Section 151 CPC was filed seeking permission of the Court to place on record the testimony of three more witnesses.

Record shows that the matter was first fixed for defendant evidence on 07.8.2014 when testimony of DW-1 was recorded in part. Matter was renotified for 25.9.2014. On 13.11.2014 the matter was fixed for remaining defendant evidence. On that date no witness of the defendant was present. Last opportunity was granted to the defendant

to lead his entire evidence. This was subject to payment of cost. The matter was again re-adjourned to 03.01.2015 on which date again no evidence was present on behalf of the defendant. Since no witness was present thus defendant evidence was closed.

The defendant did not stop his delaying tactics. He moved an application under order XVIII Rule 17 CPC on 29.6.2015. The Trial court allowed the evidence of DW-2. He was the only witness which was permitted to be examined. Vehement contention now raised before this Court is that the record of the Election Commission is necessary as it shows that in the list of properties which the plaintiff has submitted he had not shown the present property owned by him which has to be read against him.

This argument has been considered and rightly answered by the Trial court noting the fact that the present suit is a suit for possession under Section 6 of the Specific Relief Act and what is relevant is not the title of the property but the possession.

In this background, the impugned order suffers from no infirmity. This Court is of the view that this petition is nothing but a dilatory tactic on the part of the petitioner. This petition is an abuse of the process of the Court. It is dismissed with costs of Rs.10,000/-.

INDERMEET KAUR, J

JANUARY 20, 2016

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