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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 367/2016 & C.M. Nos.14471-72/2016

M A KHAN

..... Petitioner

Through Mr. Waseem Ansari, Adv.

versus

DELHI WAKF BOARD

..... Respondent

Through Mr. Hashmat Nabi, ASC

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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20.05.2016

The petitioner is aggrieved by the finding returned in the order dated 26.02.2016 vide which the application filed by the petitioner/defendant in the Trial Court seeking framing of additional issues under the provisions of under Order 14 Rule 5 of the CPC stood dismissed.

Record shows that in the present suit which had been filed in the year 1980, issues were framed as way back as on 05.11.2003. The Trial Court in the impugned order has reproduced the issues. There were two additional issues which were sought to be framed; one related to the locus standi of the plaintiff to file and maintain the present suit. This Court is of the view that while disposing of issue No. 1, (framed on 05.11.2003), this aspect shall be considered by the Trial Court. The second aspect that the plaintiff wished to state was that the plaintiff has no cause of action to file the suit. This aspect will

be considered by the Trial Court while disposing of issue No. 5 which is on the entitlement of the plaintiff to seek a decree for possession.

This order is passed keeping in view the submission of the learned counsel for the petitioner that no evidence is required on these issues. Learned counsel for the respondent, who has also put in appearance on advance notice also has no objection to the order passed today.

Petition disposed of in the above terms.

INDERMEET KAUR, J

MAY 20, 2016

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