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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 366/2016

RAGHURAJ SINGH

..... Petitioner

Through Mr.H.S.Phooka, Sr. Adv. with Mr.
Prabhsahay Kaur, Adv.

versus

JAMIL & ORS

..... Respondents

Through Nemo.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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25.04.2016

C.M. No.14466/2016 (exemption)

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

CM(M) 366/2016

Petitioner is aggrieved by the order dated 27.11.2015 vide which on his application filed by him under Section 45 of the Indian Evidence Act his prayer seeking sending of certain documents (relied upon by the plaintiff) to the FSL had been declined.

Record shows that the petitioner Mohd. Iqbal had filed a suit for possession against Jamil. That suit was pending. Thereafter Jamil had filed a suit for permanent injunction. The suit property was the same. The plaintiff had relied upon the strength of certain documents

which included agreement to sell, affidavit, will and receipt. Since the present suit filed by Jamil against Mohd. Iqbal wherein the question of title may not be relevant, question of examination of the documents which are agreement to sell, affidavit, will and receipt may not really arise.

Be that as it may, learned senior counsel for the petitioner at this stage submits that the observations made by the Trial Judge in paras 9 and 10 of the impugned are causing prejudice to the interest of the petitioner and he is not pressing the present petition and prays that the observations made on this paragraphs by the Trial Judge may not be relied upon by the Trial Judge at the time of final adjudication. This submission is noted. Accordingly, the observations of the Trial Judge in the impugned order in paras 9 and 10 will not be relevant for the purpose of final adjudication of the suit.

With these directions petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

APRIL 25, 2016

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