

\$~20

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

+ RC.REV. 306/2016

RANJIV KHANNA Petitioner
Through Ms.Anisha Srivastava, Advocate

versus

SHEIKH MOHD IQBAL & ANR Respondents
Through Appearance not given.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **20.07.2016**

1. By the present petition, the petitioner seeks to impugn the order dated 18.02.2016 passed by the learned ARC (Central), Delhi in case No.E-761/14/12. It is pointed out that the application was filed under Order VI Rule 17 read with Section 151 CPC by the petitioner. By the said application, he seeks to add paras 9 and 10 as preliminary objections in the written statement filed by him. The petitioner states that he has found some documents in his old papers on the basis of which it appears that his family members are the owners of the suit property.

2. It is further urged that the father of the respondent was a *Munshi* of actual owner of the said property who have left India after partition and he was having the documents of the old owner of the said properties. Hence,

the father of the respondent and the respondent had prepared the forged and fabricated documents after the year 1969 and as such they forcibly with the help of *goonda* elements started collecting rent of the property in question from the father of the petitioner. The petitioner is now the owner of the suit property.

3. By the impugned order, the trial court noted that the petition has been filed under Section 14(1)(a) and (j) of the DRC Act wherein the written statement was filed on 28.02.2013. In the written statement, the petitioner has relied upon an Agreement to Sell dated 25.06.2001. Now with the present application, the petitioner seeks to place on record and rely on some new documents. The evidence of the respondent had commenced on 11.12.2013, hence, the application of the petitioner was dismissed as the petitioner could not be permitted to take a different stand now.

4. It appears that the contention of the petitioner in the amendment application now sought to be brought out is nothing but a dilatory tactic to delay and derail the proceedings before the trial court. Having admitted of being a tenant, a completely new stand is sought to be taken that the petitioner is the owner of the property in question.

5. In my opinion, the proposed amendment is a clear afterthought and will have the effect of changing the nature of the case. There is no reason to differ with the view taken by the learned trial court. The petition is dismissed.

JAYANT NATH, J.

JULY 20, 2016/v