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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RSA 243/2016**
DILBAGH RAI KATYAL

..... Appellant
Through Mr. Tanvir Khan and Mr. S A Rajput,
Adv. with appellant in person

versus

SURJIT SINGH & ANR

..... Respondent
Through Mr. Roshan Lal Goel, Adv. for R-
2/SDMC

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **02.09.2016**

CM No.31971/2016 (Exemption)

1. Exemption allowed subject to just exceptions.
2. C.M. stands disposed of.

RSA 243/2016

3. The appeal was argued on merits. The counsel for the appellant was heard for about half an hour. Issues addressed by him were noticed and found not to raise any substantial question of law.

(i) Firstly, the suit is not a suit for simplicitor injunction because ownership was claimed as per para 1 and issue to that effect framed and evidence was led by both the parties.

(ii) So far as the *khasra girdawaris* filed by the plaintiff/appellant, it

is found that these besides being after filing of the suit they were not proved because no certified copies of the *khasra girdawaris* were filed and no revenue official was called as noted by the courts below to prove these *khasra girdawaris* .

(iii) So far as the demarcation report relied upon by the appellant/plaintiff is concerned, it is noted that the same was not pursuant to appointment of a Local Commissioner appointed by a court order and the report was prepared without issuing of notices to other interested parties including defendant No.2 in suit. This report was also not prepared as per Chapter 1 M of the Delhi High Court Rules as applicable to the civil court, which requires three fixed points to be taken before commencement of demarcation.

4. At this stage, on instruction of the appellant/plaintiff who is present in person, counsel states that the appeal is not pressed and be disposed of accordingly.

5. In view of the above, the appeal being not pressed, the same is disposed of as not pressed.

VALMIKI J. MEHTA, J

SEPTEMBER 02, 2016
VLD