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

+ CM(M) 894/2016

JAIKARAN

..... Petitioner

Through Mr.Vinay Shankar & Mr.Sunil
Kumar, Advocates

versus

ATTAR SINGH

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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09.09.2016

CM No.33057/2016 (*exemption*)

Allowed subject to all just exceptions.

CM(M) No.894/2016 & CM No.33058/2016 (*stay*)

1. By the present petition, the petitioner seeks to impugn the order dated 31.05.2016 whereby an application for amendment filed by the respondent has been allowed.
2. The learned counsel for the petitioner submits relying upon the judgment of the Supreme Court in *Saleem Bhai v. State of Maharashtra, AIR 2003 SC 759* that the trial court ought to have first adjudicated upon his application filed under Order 7 Rule 11 CPC which was filed sometime in November, 2013. He submits that the said application has been pending for long whereas the several other applications filed in the suit have been heard and disposed of.
3. A perusal of the impugned order shows that as far as the amendment

to the plaint is concerned, the trial court concluded that by the amendment the plaintiff seeks to introduce subsequent development on record and seeks to add relief of possession of the suit property. As per the plaint, it had been averred by the plaintiff that the suit property is under absolute ownership and possession of the plaintiff. Hence, the trial court concluded that by the present amendment the nature of the suit does not change.

4. Hence, there is no infirmity in the order. The present petition is dismissed.

5. However, the trial court is requested to dispose of the application filed by the petitioner under Order 7 Rule 11 CPC preferably within three months from today.

JAYANT NATH, J.

SEPTEMBER 09, 2016/v