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

+ C.R.P. 195/2016

RADHA & ORS

..... Petitioner

Through Mr.J.K.Jain, Advocate

versus

SANTOSH KAPOOR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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05.12.2016

CM No.44968/2016 (exemption)

Exemption allowed, subject to all just exceptions.

C.R.P. 195/2016 & CM No.44967/2016

1. By the present petition under section 115 of the CPC the petitioner seeks to impugn the order dated 3.8.2016 by which an application under Section 35 of the Indian Stamp Act filed by the petitioner/respondent was dismissed.

2. The respondent/plaintiff has filed the suit for mandatory injunction and recovery of damages. The suit pertains to a property consisting of two rooms, kitchen, toilet situated at fourth floor, E-27, Lajpat Nagar II, New Delhi. The admitted fact is that the petitioner was serving as a domestic help of the respondent who is stated to be an old lady and was residing in the premises since she has taken employment of respondent No.1. The stand in the application under section 35 of the Indian Stamp Act was that the suit has not been signed and verified by the plaintiff Smt.Santosh Kapoor but by

her son- in-law on an ordinary paper/document deciphering an authority letter allegedly executed by Smt.Santosh Kapoor. The trial court noted that on 17.8.2012 the respondent had filed a power of attorney dated 16.8.2012 on a Rs.10/- stamp paper and thereafter summons had been issued in the plaint. As the mistake committed by the respondent had been rectified, the trial court dismissed the application as the document filed by mistake and have been rectified.

3. Learned counsel appearing for the petitioner, however, vehemently submits that even the fresh power of attorney is not on an original stamp paper.

4. In my opinion, these are only dilatory tactics being adopted by the petitioner to delay adjudication of the suit. There are no reasons to interfere with the order passed by the trial court.

5. Petition is dismissed. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

DECEMBER 05, 2016

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