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

+ RFA 771/2015 & CMs No.26771/2015 & 26773/2015 (for condonation of 195 days delay in filing the appeal & 11 days delay in re-filing thereof) & 26770/2015 (for stay)

RAJENDER SINGH SISODIA Appellant
Through: Mr. Krishna Kumar Singh, Adv.

Versus

SAFINA BEGUM & ORS Respondents
Through: Mr. A.K. Mishra and Mr. M.K. Upadhyay, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **26.02.2016**

1. The appeal impugns a judgment and decree of dismissal of Suit (No.194/2012 of the Court of Sh. Siddhartha Malik, Civil Judge (West)-III, Tis Hazari Courts, Delhi) for permanent injunction restraining the respondents/defendants from interfering with the possession of the appellant.
2. On enquiry, as to how the appeal against the judgment and decree of the Civil Judge would lie to this Court, since the Court of minimum pecuniary jurisdiction to entertain the appeal is the Court of Senior Civil Judge / Additional District Judge, the counsel for the appellant states that since the suit was tried along with Suit No.167/2006 filed by the respondent No.1 under Section 6 of the Specific Relief Act, 1963 and which has been decreed against the appellant and whereagainst a CM(M) petition has been filed in this Court, the appeal was preferred in this Court to enable both to be decided together.

3. The same cannot be a ground for this Court to entertain an appeal, without being the Court of minimum pecuniary jurisdiction to entertain the same.

4. Even otherwise, *prima facie* it appears that the substantial questions to be decided are to be in the Revision Petition / CM(M) petition against the decree in suit under Section 6 of the Specific Relief Act, inasmuch as if the said judgment is upheld, the suit of the appellant for permanent injunction, in any case would be rendered infructuous.

5. The appeal is accordingly misconceived and dismissed with liberty however to the appellant to approach the appropriate Court in accordance with law.

No costs.

RAJIV SAHAI ENDLAW, J.

FEBRUARY 26, 2016

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