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

+ **CM(M) 173/2017**

LATE VIJAY SHARMA THR LEGAL HEIR..... Petitioner
Through **Mr.Virendra Rawat and**
Mr. Suryadeep Singh, Advocates

versus

NISHA TANEJA Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
13.02.2017

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CM No.5619/2017 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 173/2017

1. By the present petition filed under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 14.10.2016 by which an application under Order 8 Rule 1A CPC to file additional documents was dismissed.
2. Respondent has filed the suit for possession, ejectment and recovery of arrears of rent. As per the plaint the respondent has purchased the said property vide Agreement to Sell dated 20.09.2002 and the petitioner was a tenant of the erstwhile owner of the said property.
3. The petitioner in the written statement has admitted that they were the tenants of the erstwhile owner. However, the only plea taken in the written

statement is that the respondent does not possess absolute and valid title in the property.

4. I have heard learned counsel for the petitioner. He submits that by the application under Order 8 Rule 1A CPC the respondent seeks to place on record the water and electricity bills for the premises to show that the respondent is in continuous possession since 1982.

5. A perusal of the impugned order would show that the trial court noted that there cannot be any evidence beyond the pleadings of the parties. It also noted that any evidence led cannot be taken cognizance of in the absence of pleadings and dismissed the application.

6. A perusal of the written statement filed by the petitioner would show that there is no reference to any electricity or water bill in the written statement. That apart, it is not clear what purpose the petitioners are going to achieve by filing these documents. The case of the petitioner is that respondent has not become owner of the property and that the petitioner has always been in continuous possession of the property. The written statement admits possession as a tenant. As to how these documents help the case of the petitioner is not stated. It is manifestly clear that these are only dilatory tactics and would serve no purpose.

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

JAYANT NATH, J

FEBRUARY 13, 2017

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