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

+ CM(M) 121/2017 & CM Nos.3874-75/2017

MADAN LAL WADWA Petitioner

Through Petitioner in person

versus

GURPREET KAUR & ORS. Respondents

Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **07.03.2017**

CM No.3875/2017(exemption)

Allowed subject to all just exceptions.

CM(M) 121/2017 & CM No.3874/2017(stay)

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 26.10.2016 by which an application filed by the petitioner under Order 6 Rule 17 CPC to amend the counter claim was dismissed.

2. Respondent No.1 has filed the present suit for permanent injunction. It is the claim in the plaint that she is the owner of the suit property being No.3/47, situated in Double Quarters, Jangpura Extension, New Delhi – 110014. The petitioner is also the owner of a similar quarter. It is sated that there are four quarters in a row and at the corner of the quarter, a common lavatory block was provided. The quarter which was near the lavatory block was called as corner quarter “as in the case of plaintiff”. Other three quarters were called as non-corner quarters “as in the case of defendant/petitioner”.

In the plaint it has prayed that a decree of permanent injunction be passed in favour of respondent No.1 and against the petitioner restraining him from using a portion No.4 of the common lavatory block, interfering or obstructing in the space as shown in red in the plan. Other relief are also sought.

3. The petitioner has filed his counter claim. Now the present application is filed to amend the counter claim.

4. By the impugned order, the trial court noted that the petitioner has not stated any reasons as to why he wants to amend the counter claim at this stage. It also appears that the counter claimant wants to challenge the policy of L&DO department regarding conversion cases in respect of the suit property. It also noted that despite lapse of 2 years of filing of the suit, the proceedings are still at the stage of pleadings because the petitioner is in the habit of moving the miscellaneous applications on each and every day of hearing. It also noted from the record that till now not even a single date has elapsed when the counter claimant has not filed anything. Be it, an application for interrogatories/written arguments or applications for production of documents etc. Hence, the application was dismissed as it was an attempt to prolong the trial.

5. The petitioner appears in person. Perusal of the petition would show that it is drafted in a very confusing manner. It appears that what the basic grievance of the petitioner is changing policy being resorted to by the L&DO. It also seeks to add 10 additional prayers in the counter claim. No basis has been given as to why the counter claim was sought to be amended. No explanation has also been given why the amendments sought are necessary.

6. I may note even before this court the petitioner has filed seven petitions under Article 227 of the Constitution of India challenging various orders of the trial court. Petitioner is a prolific litigant habitual of wasting the time of the court.

7. In view of the above, in my opinion, there are no reasons to interfere with the impugned order. The petition and all the pending applications, if any, accordingly dismissed.

JAYANT NATH, J.

MARCH 07, 2017/v