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

+ RSA 312/2007

KESAR DEVI & ORS.

..... Appellants

Through: Mr. L.S. Solanki, Advocate.

versus

RAJAN SINGH SISODIYA & ANR.

..... Respondents

Through: Mr. Rajat Aneja, Advocate with Ms.
Nisha Sharma, Advocate and Ms.
Rashmi Verma, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **17.11.2017**

1. This appeal was filed by four appellants with the appellant no.1 being the defendant no.1 in the suit. Appellant no.1 withdrew the appeal as recorded in the order dated 1.10.2015. Appellant nos.2 to 4 were defendant nos.2 to 4 in the suit and as per the joint written statement of all the appellants/defendant nos.1 to 4 there was no issue which arose as to appellant no.1/defendant no.1 being not the owner of the suit property because the issue which had arisen in the suit was an issue only between the respondent no.1/plaintiff and the appellant no.1/defendant no.1 inasmuch as respondent no.1/plaintiff claimed purchase of rights in the suit property from

the appellant no.1/defendant no.1.

2. Therefore there are no issues which have been decided inter se the appellants/defendant nos.1 to 4, and assuming any issues arise between appellants as regards ownership of the suit property, then such issues can always be raised by the appellant nos.2 to 4/defendant nos.2 to 4 in appropriate independent proceedings and this Court does not observe one way or the other on merits of the disputes which the appellant nos.2 to 4/defendant nos.2 to 4 propose to raise to claim ownership interest in the suit property. In such a suit which may be filed by the appellant nos.2 to 4/defendant nos.2 to 4, surely the respondent no.1/plaintiff will be entitled to raise all defences of facts and law and liberty granted to file a suit is no reflection on the merits of the matter.

3. Appeal is accordingly disposed of as not pressed with the aforesaid liberty.

VALMIKI J. MEHTA, J

NOVEMBER 17, 2017

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