

\$~8.

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

+ CM(M) No.606/2017 & CM No.20446/2017 (for stay).

KARAM SINGH

..... Petitioner

Through: Mr. Ankit Jain with Mr. Sarvesh,  
Adv.

versus

RAJ KUMAR

..... Respondent

Through: Mr. Sarvam Ritam Khare and Mr.  
Ratish Kumar, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

%

**24.07.2017**

1. This petition under Article 227 of the Constitution of India impugns the order dated 8<sup>th</sup> March, 2017 in CS No.2207/2016 of the Court of Additional District Judge (Shahdara), Karkardooma, Delhi directing evidence to be led on the application filed by the son of the petitioner / defendant for his appointment as guardian, for the purpose of the suit, of the petitioner / defendant averring that the petitioner / defendant owing to his mental health is unable to look after his own interest.
2. Notice of the petition was issued and the counsel for the respondent / plaintiff appears.
3. Though the respondent / plaintiff has instituted the suit from which this petition arises, for recovery of possession of immoveable property from the petitioner / defendant and for recovery of arrears of rent and damages / *mesne* profits and should be in a hurry to have the same decided, but the counsel for the respondent / plaintiff insists on evidence on the issue framed being led.

4. It has been informed to the counsel for the respondent / plaintiff that recording of evidence on application aforesaid of the son of the petitioner / defendant to be appointed as guardian of the petitioner / defendant will delay the own case of the respondent / plaintiff and the application can be allowed on the basis of affidavit of the son of the petitioner / defendant which is stated to be accompanied with copies of medical records of the petitioner / defendant. However the counsel for the respondent / plaintiff insists.

5. No prejudice is found to be caused to the petitioner / defendant by the impugned order; rather it is felt that it is the respondent / plaintiff who is prejudiced by the impugned order as the same would delay proceedings in suit of the respondent / plaintiff.

6. Dismissed.

No costs.

**RAJIV SAHAI ENDLAW, J**

**JULY 24, 2017**

‘pp’..