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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 796/2017
AMIT KASHYAP Petitioner

Through: Mr. Urvashi Singh, Adv.

Versus

SUSHILA & ANR Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **31.07.2017**

CM No.26913/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) 796/2017 & CM No.26912/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the order [dated 6th April, 2017 in Suit No.613068/2016 of the Court of Additional District Judge/West/Delhi filed by the respondent no.1 against the respondent no.2] of dismissal of the application of the petitioner for impleadment.
4. The respondent no.1 has sued the respondent no.2 for ejectment from immovable property and for *mesne profits*, claiming a relationship of landlord and tenant.
5. The petitioner, claiming adversely to the respondent no.1 qua the title to the immovable property, sought impleadment and which has been denied.
6. The counsel for the petitioner has contended that the impugned order does not discuss the facts of the present case and merely refers to two judgments and then dismisses the application.

7. At the outset, it may be stated that the petitioner has not filed before this Court the first page of the impugned order. The same is not available with the counsel for the petitioner also but the counsel for the petitioner states that it is not relevant for the present purpose.

8. The counsel for the petitioner to be careful in future. Such half baked petition deserves to be thrown out at the threshold.

9. The counsel for the petitioner contended that neither of the two judgments cited in the impugned order relate to the factual controversy as was the subject matter of the suit. It is contended that both the said judgments pertain to the suit for specific performance.

10. On being asked, whether the petitioner has any judgment in her favour on akin facts, the counsel for the petitioner has referred to my judgment in ***Bal Govind Rohtagi Vs. Vipin Kumar Jain*** 2016 SCC OnLine Del 2550.

11. However the same also cannot be said to be on the akin facts.

12. The principle of law is otherwise clear and does not require to be discussed elaborately again and again. A simpliciter suit between landlord and tenant cannot be converted into a title suit as the petitioner wants to do by seeking impleadment, setting up a title adversely to the respondent no.1 / plaintiff. Elaborate discussions in this regard is to be found in ***Evangelical Church of India Vs. North India Outreach Society*** 1997 (40) DRJ 250. ***Manju Gupta Vs. Daya Ram*** 2017 SCC OnLine Del 7331 & ***B.K. Dutta Vs. Nita Madan*** AIR 1984 Cal 228 and owing whereto, no further discussion is necessary.

12. There is no merit in the petition.

Dismiss.

RAJIV SAHAI ENDLAW, J

JULY 31, 2017/ 'gsr'..

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