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

+ CM(M) 47/2017

RAJ KUMAR

..... Petitioner

Through Ms.Kajal Chandra, Ms.Swati Sinha &
Ms.Perna Chopra, Advocates

versus

GRAM SUDHAR SABHA (REGD.) & ANR

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **16.01.2017**

CM APPL. No.1637/2017 (*exemption*)

Allowed subject to all just exceptions.

CM(M) No.47/2017

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 07.11.2016 by which the application filed by the petitioner under Section 151 CPC was dismissed. By the said application, the petitioner sought permission to reconstruct the demolished walls of the suit property.

2. The trial court noted that as per paras 11 and 18 of the plaint, the petitioner has stated that the the applicant/plaintiff is not in possession of the suit property and disallowed the application.

3. One of the basic grievances of the petitioner is that there is no admission in the plaint that the petitioner is not the owner of the suit property. It is urged that mere reading of the plaint would show that there is

no admission of the plaintiff/petitioner of not being in possession of the suit property and the paras 11 and 18 of the plaint have been wrongly interpreted.

4. The above noted observations are prima facie views and do not bind the petitioner at the time of final adjudication of the suit or in any other proceedings.

5. In view of the above observation, the petition stands disposed of.

6. A copy of this order be given dasti under signatures of the Court Master.

JAYANT NATH, J.

JANUARY 16, 2017/v