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

+ CM(M) 906/2018

JUGLESH KUMAR Petitioner

Through: Mr.Atul Parmar, Advocate

versus

NORTH MUNICIPAL CORPORATION OF DELHI & ANR

..... Respondent

Through: Ms.Jyoti Taneja, Advocate

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **10.08.2018**

CM. No. 32020/2018 (Exemption)

This is an application filed on behalf of the petitioner for exemption from filing certified copies of the annexures.

Exemption allowed, subject to just exceptions.

CM(M) 906/2018 and CM No.32019/2018

Vide the present petition, the petitioner assails the impugned order dated 4.5.2018 of the learned Additional Senior Civil Judge, (Central) Delhi vide which an application under Order VI rule 17 CPC filed by the petitioner, i.e., plaintiff to the suit Civil Suit No. 97178/16, seeking amendment of the plaint was declined. The initial suit submitted by the plaintiff against the defendant No.1 and 2 thereof arrayed on record to the present petition as petitioners No.1

and 2 sought declaration, permanent and mandatory injunction in relation to declaration of ownership of the plaintiff i.e., the petitioner herein qua the teh bazaari site of suit property bearing No.T-842, DCM Road, Kishan Ganj, Delhi and also a restraint the defendant i.e., the respondent herein from selling, parting with or creating any third party interest in the suit property without due process of law and from cancellation of the name of the plaintiff from the said relocation plan and also a mandatory injunction for mentioning of the ownership of the teh bazari in the suit premises.

During the course of the proceedings vide the application under Order VI Rule 17 CPC disposed of vide the impugned order, the applicant contended that the premises No.T-842, DCM Road, Kishan Ganj, Delhi had been demolished unlawfully by the respondent No.1 and as a consequence thereof the plaintiff sought to recover damages from the defendant submitting *inter alia* to the effect that the defendant No.1, i.e., respondent No.2 to the present petition was in collusion with the defendant No.1, i.e., the respondent No.1 herein, North Delhi Municipal Council.

Vide the impugned order it has been specifically observed by the learned Trial Court and rightly so to the effect that the entire nature of the suit would be changed and is based on a separate cause of action arisen in the favour of plaintiff against the defendant. Before the learned Trial Court as indicated vide the impugned order dated 4.5.2018, similar submissions had been made on behalf of the defendant No.2, in view of the observations herein in above, there is

no merit in the petition and the petition and the accompanying applications are thus declined.

The petitioner may seek redressal, if any, in accordance with law qua the stated cause of action of demolition of his stated teh bazari site.

ANU MALHOTRA, J

AUGUST 10, 2018/sv