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

+ CM(M) 1022/2016 and CM 37298/2016

DR ANIL DHALLA

..... Petitioner

Through: None

versus

PAWAN KUMAR GUPTA & ORS

..... Respondents

Through: Mr. Neeraj Kumar Jha, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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17.01.2018

The petitioner is aggrieved by the order dated 31.05.2016 of the Civil Judge on the file of civil suit (suit no.246/2016) instituted by him (the petitioner) seeking relief of permanent injunction against first to third respondents impleaded as defendants so as to restrain them from dispossessing him from a portion described as a Hall in property no.41 (first floor), Netaji Subhash Marg, Darya Ganj, New Delhi-110002. The copy of the plaint (annexure P2) filed with the petition reveals that the petitioner, as plaintiff, claims to be the tenant in respect of two rooms at the first floor of the said property, the pleadings being so vague that he would not even disclose the identity of the landlord in his respect. The suit, it appears, is being contested by the first to third respondents, who had filed a joint written statement, copy whereof has been submitted with the petition (pages 18 to 24).

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By the impugned order, the Civil Judge dismissed the application under Order VII Rule 14 (3) of the Code of Civil Procedure, 1908 (CPC) whereby the petitioner wanted to place on record, after the elapse of the time for such purpose, copy of a document purporting to be a receipt issued by Shri Mandir Raksha Samiti Lalman (Regd.) / fourth respondent herein on 08.02.1991 acknowledging receipt of payment of Rs.1,20,000/- as security deposit. The Civil Judge declined to take the said document on record and dismissed the application, *inter alia*, observing that the relevancy of the said document had not even been explained.

Before the lunch recess, the counsel for the petitioner sought an adjournment. The said request was declined and he was asked to remain present when the matter comes up for hearing in its turn. In the post-lunch session when the matter is called out, the counsel for the petitioner has not appeared. The record has been perused with the assistance of the counsel for the respondent who is present.

This court finds no error or infirmity in the impugned order. There is no pleading in the plaint submitted by the petitioner before the Civil Judge with regard to the payment of such security deposit on 08.02.1991. In the facts and circumstances of the case where, as explained by the counsel for the respondents, even the respondents do not claim to be the owner of the subject property, there is no explanation offered as to how such document even if permitted to be brought on record would be relevant or admissible in evidence.

The petition and the application filed therewith are dismissed with cost of Rs.10,000/- to be deposited with Delhi High Court Legal Services Committee.

R.K.GAUBA, J

JANUARY 17, 2018
Yg

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