

\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CM(M) 1172/2018, CM APPL.40091-40092/2018

SHEO RAJ SINGH

..... Petitioner

Through Mr.V.Shukla, Advocate.

versus

RADHEY (DECEASED) THR LRS & ORS

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

%

22.11.2018

1. This petition is filed for quashing of the impugned order dated 10.05.2018 passed in RCA No.103/2016.
2. It is submitted by the learned counsel for the petitioner the petitioner has filed a suit for permanent and mandatory injunction against the respondent herein, wherein the following issues were framed:

“(1) Whether the plaintiffs have not no locus stand! to file the present suit? OPD

(2) Whether the suit is barred under the Delhi Land Reforms Act ? OPD

(3) Whether there exist any cause of action in favour of the plaintiffs against the defendants? OPP

(4) Whether the plaintiff is entitled for the relief of Permanent Injunction as claimed ? OPP

(5)-Whether the plaintiff is entitled for the relief of Mandatory injunction? OPP

(6) Relief.”

3. The suit of the petitioner was dismissed by the learned Trial Court on the ground the petitioner has failed to prove his title. The

petitioner is in appeal before the Ist Appellate Court wherein he has moved an application under Order XIV Rule 2 CPC for framing of an additional issue regarding the adverse possession of respondents no.1 to 5. The said application was dismissed on the ground since the petitioner has failed to prove his own title there is no need to frame such issue.

4. I see no infirmity in order dated 10.05.2018 of the learned ADJ-02, Shahdara/Karkardooma, Delhi since after dismissal of his suit on the ground of title, the framing of this additional issue shall only add to the misery of the petitioner.

5. The application under Order XIV Rule 2 CPC was thus rightly rejected and there is no ground to interfere in the impugned order.

6. The petition stands dismissed.

7. No order as to costs.

8. All the pending applications also disposed of.

YOGESH KHANNA, J

NOVEMBER 22, 2018

DU