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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(OS) 345/2017 & IA Nos.8540/2017 (u/O XXXIX R-1&2 CPC)**  
**& IA No.8542/2017 (u/S 149 CPC).**

**NARENDER KUMAR GUPTA** ..... Plaintiff

Through: Ms. Meenu Sharma & Mr. Shahid  
Azad, Advs.

Versus

**LEKH RAM & ORS** ..... Defendants

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **20.03.2018**

**IA No.8541/2017 (for exemption)**

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

**CS(OS) 345/2017**

3. The plaintiff has instituted this suit against defendants no.1 to 4, i) for declaration of ownership of land ad-measuring 12 bighas in Khasra Nos.853, 855/1, 861/1, 862, 863, 1017/865, 875, 876, 1132-33/896 in village Gokalpur, Delhi; and, ii) for permanent injunction restraining the defendants from interfering with the peaceful possession of the plaintiff of the land aforesaid.
4. The suit came up first before this Court on 31<sup>st</sup> July, 2017, when on enquiries being made by the Court, the counsel for the plaintiff sought time to file documents.

5. Thereafter, on 1<sup>st</sup> November, 2017, again adjournment to file the documents was taken. Yet thereafter, on 22<sup>nd</sup> January, 2018, the matter could not be taken up.
6. No documents have been filed by the plaintiff till now.
7. The plaint was accompanied with an application under Section 149 of the CPC for extension of time for depositing court fees.
8. No court fees also have been deposited till now, though the suit has been pending for more than nine months.
9. The counsel for the plaintiff today states that all the four defendants have since died and injunction will have to be sought against the three heirs.
10. Be that as it may, the court fees having not been filed, the plaint is rejected.

No costs.

**RAJIV SAHAI ENDLAW, J**

**MARCH 20, 2018**

‘gsr’..