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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1451/2018**
AMAR SINGH

..... Petitioner

Through : Ms.Ankita Patnaik, Advocate from
DHCLSC.

versus

OM PRAKASH & ORS

..... Respondents

Through : NEMO.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **03.12.2018**

CM APPL.50008/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 1451/2018, CM APPL.50009/2018

This petition challenges the order dated 06.10.2018 passed by the learned Trial Court whereby an application under Order VI Rule 17 CPC was dismissed. The petitioner way of application under Order VI Rule 17 CPC intended to add the relief of possession and mesne profits in a suit filed in the year 2010 by him against the respondents and is now pending for final arguments.

Admittedly, the suit for injunction was filed simplicitor on the plea the respondents are the tenant and are trying to dispose of the property in dispute. The learned counsel for the petitioner argues since the defence of the adverse possession is taken by the respondents, hence prejudice shall be caused to the petitioner in case

the suit is not allowed to be amended.

The petitioner/plaintiff in the original plaint claims the respondents to be her tenants, paying rent at different rates and most of them are paying rent at the rate less than `3,500/- per month and if that be true then eviction petition(s) under the Delhi Rent Control Act would have to be filed and in such an event, even otherwise, the petitioner cannot be allowed to amend his suit to include the relief of possession and/or damages/mesne profits for the period prior to 2010 and that too in the year 2018.

There exist no infirmity in the impugned order passed by the learned Trial Court, hence the petition along with pending application is dismissed. No order as to costs.

YOGESH KHANNA, J.

DECEMBER 03, 2018

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