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

+ **CM(M) 786/2019**

FARHAD CHAUDHARY & ORS

..... Petitioner

Through : Mr.Aditya Gaur, Advocate

versus

JAFAR ALI

..... Respondent

Through : None

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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20.05.2019

CM APPL.No.24174/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 786/2019, CM APPL.No.24173/2019

The impugned order dismisses the application under Order 7 Rule 11 CPC on the ground the court has to go through the averments made in the plaint only and to see if cause of action is made out for filing the suit. It is submitted by learned counsel for the petitioner, the learned trial court erred in not observing the respondent has no right in the basement of the property bearing No.I-52-B, part of Khasra no. 257, situated at Abul Fazal Enclave, Part-I, Jamia Nagar, Okhla, New Delhi. However looking at para 2 and 3 of the plaint, it would reveal after purchase of the property, admeasuring 200 sq.yds by the respondent/plaintiff, he had constructed flats on the ground,

first, second, third and fourth floor and kept the basement for himself. He already gave parking slot at the ground floor of the premises to occupants.

In the circumstances there appears to be no infirmity in the impugned order, hence the petition stands dismissed. Pending application also stands disposed of.

YOGESH KHANNA, J.

MAY 20, 2019

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