

\$~58

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1412/2018, CM APPL.No.48504/2018**
RAM KISHORE PANDIT & ANR

..... Petitioner

Through : Mohd. Farhan Khan, Adv.

versus

VIDYA SAGAR PANDIT & ORS

..... Respondent

Through : None

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

%

17.05.2019

This petition challenges the impugned order dated 20.08.2018 whereby an application filed under Order 6 Rule 17 CPC by the petitioner was dismissed. The initial defence of the petitioner was the subject property is purchased by him from one Satyawati in the year 1998 vide an agreement to sell and other documents such as affidavits, registered Will etc. Issues were framed and the evidence was led. The plaintiff had already examined his witnesses and has closed the evidence. Numerous opportunities were given to the petitioners herein to lead their evidence and instead they moved an application under Order 6 Rule 17 CPC stating Gram Sabha of that village is owner of the subject property, thus bringing wholly a new case. Admittedly no action has been taken till date by the Gram Sabha either against the petitioner or respondent for claiming

ownership right over the subject, hence no illegality is found in the impugned order. The petition, accordingly, stands dismissed. Pending applications also stands disposed of.

Order dasti.

YOGESH KHANNA, J.

MAY 17, 2019

VL