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

+ **CM(M) 532/2019 & CM APPL. 15704/2019**

SANJAY KUMAR KAOOR & ORS

..... Petitioners

Through: Mr. Dilpreet Singh, Advocate.
(M:9810211566)

versus

SHYAM MOHAN SHARMA

..... Respondent

Through: Mr M.S. Patwa, Advocate.
(M:9971986345)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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27.01.2020

The grievance of the Petitioners in this case is in respect of the order dated 1st February, 2019, by which the application under Order VI Rule 17 and Order XVIII Rule 17 CPC, for amendment of the written statement filed by the tenant, had been dismissed.

Admittedly, the evidence in the matter stands concluded and the case is at the stage of final arguments. Ld. counsel for the Respondent submits that the landlord had, after evidence was concluded, received vacant and peaceful possession of the first floor of the suit property and this was a relevant fact for the purposes of adjudication of the petition. It is submitted that by dismissing the application vide the impugned order, certain factual findings have been rendered, which may also affect the final adjudication of the suit. It is further submitted that the premises of which possession has been handed over does not belong to the landlord, in this petition.

Since the matter is at the stage of final arguments, this Court is not

inclined to entertain an amendment application at this stage. It is, however, clarified that any observations made in the impugned order would not be binding on the final adjudication of the petition. The petition shall be adjudicated in accordance with law, independent of the observations made in the impugned order.

The petition and all pending applications are disposed of.

PRATHIBA M. SINGH, J.

JANUARY 27, 2020

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