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

+ **C.R.P. 382/2023 & CM APPL. 65617/2023**

BEENA DEVI

..... Petitioner

Through: Ms. Anjali Pathak, Advocate.

versus

KELA DEVI & ANR.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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09.02.2024

CM APPL. 65618/2023 – EXMP.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

C.R.P. 382/2023 & CM APPL. 65617/2023

3. Affidavit has been filed on behalf of the petitioner purportedly explaining the delay of 970 days in re-filing of the present revision petition.
4. Learned counsel for the petitioner has urged that delay is attributable to financial difficulties suffered by the petitioner as she had been bed ridden after suffering from symptoms emanating from Covid 2019. Although, there are no sufficient grounds to condone the delay, even if for the sake of convenience the same is condoned, the present petition is bereft of any merits.
5. The petitioner is assailing the impugned order dated 23.03.2021



whereby, her application under Order VII Rule 11 CPC has been dismissed by learned ADJ-03, South West, Dwarka, New Delhi.

6. In a nutshell, the plaintiff is the mother-in-law of the petitioner who claims that she is the owner of the property in question having purchased the same by virtue of sale documents in the nature of GPA, Agreement to Sell, Will, Receipt, etc. on 20.01.2004.

7. Evidently, the petitioner who is arrayed as defendant no.2 in the suit got married with the son of the plaintiff sometimes in 2005 and it is acknowledged that after marriage she came to reside in the 'shared household'. The plaintiff, mother-in-law is seeking relief in the nature of possession and injunctions against her son as well as the present petitioner/ daughter-in-law.

8. A bare perusal of the pleadings read as a whole would reveal that there does exist a certain cause of action in favour of the plaintiff. The issues that have been raised by the petitioner travel beyond the pleadings in the plaint and the same cannot be considered by the Court.

9. *Ex-facie* the trial court has committed no illegality or perversity in passing the impugned order dated 23.03.2021. Hence, the present petition is dismissed without prejudice.

DHARMESH SHARMA, J.

FEBRUARY 9, 2024

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