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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 22nd October, 2024***
+ CM(M) 3686/2024 & CM APPL. 62343/2024
KRIPAL RUHANI SATSANG SOCIETY (RETD.)

.....Petitioner

Through: Mr. Rajiv Tyagi, Advocate.

versus

SHRI MANOHAR LAL SHARMA (DECEASED) & ORS. & ORS.
.....Respondent

Through: Mr. Ajit Kumar, Advocate with Mr.
Chander Parkash, Advocate for R-1 to
5.
Ms. Sanam Tripathi, ASC, with Mr.
Shreyash Choudhary, Advocates for
R-6/MCD.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

CM APPL. 62344/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3686/2024

1. Petitioner is defendant No.5 before the learned Trial Court and had moved an application seeking striking off a issue, which was numbered as '1aa'.
2. It has challenged order dated 13th September, 2024 whereby its such application has been dismissed.
3. Fact remains that the issues in the present case were framed way back on 1st March, 2007 and the above additional issue (1aa) was framed on 15th December, 2007.



4. Plaintiff's evidence was closed on 10th February, 2011 and thereafter even the defendants have led their respective evidence and the case is at the stage of final arguments.
5. Learned counsel for the plaintiff and MCD also appear on advance notice and state that the part-arguments have also been heard.
6. Naturally, once the issues have been framed and no such issue has been struck off from the record, it is obligatory for the learned Trial Court to return finding with respect to any such issue and, therefore, despite the dismissal of the above said application, the Court can always hear all concerned parties with respect to decision of any such issue.
7. Learned counsel for the petitioner states that in view of the observation, he is left with no grievance in the present petition.
8. The petition is, accordingly, dismissed.
9. Needless to say, learned Trial Court, without being prejudiced by the observations made in the impugned order, would hear the parties with respect to all the issues and dispose of the suit in accordance with law.

(MANOJ JAIN)
JUDGE

OCTOBER 22, 2024/ss