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

+ **CM(M) 662/2022**

**DIMPLE GUPTA**

.....Petitioner

Through: **Mr. Ravish Kumar Goyal, Mr. Vinit  
Kumar & Mr. Aditya Jain, Advs**

versus

**PRADEEP SINGHAL & ORS.**

.....Respondents

Through: **Mr. Ashish Kumar Sharma, Adv for  
R-1 to 4**

**CORAM:**

**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

**27.02.2025**

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**CM(M) 662/2022 & CM APPL. 30809/2022 (Stay)**

1. This is a petition under Article 227 of the Constitution of India against the impugned order dated 15.03.2022 passed by learned District Judge-01, Shahdara, Karkardooma Courts, Delhi in *Civil Suit No. 253/2019* titled as *Sh. Pradeep Singhal vs. Sh. Satpal Singhal & Ors* whereby the learned Trial Court partly dismissed the application under Order XIV Rule 5 r/w Section 151 CPC.
2. Respondent No.1 filed a suit for partition and permanent injunction against the petitioner and other respondents. Issues were framed on 10.07.2019 and the matter was adjourned for evidence.
3. On 15.03.2022, while the matter was fixed for evidence, petitioner filed an application under Order XIV Rule 5 CPC for framing of five



additional issues, on which the impugned order 15.03.2022 was passed by the learned Trial Court.

4. The application of the petitioner was allowed by the learned Trial Court to the extent of framing two additional issues. With respect to the other three issues the application was dismissed on the premise that there was no objection taken regarding the same by the petitioner in the written statement.

5. The petitioner has prayed for framing of following three issues:-

b) “Whether the deceased mother of defendant No.4 had left movable properties/assets other than the suit property, and its effect? (OPD4)”

c) “Whether the present suit is barred by law of limitation (OPD4)?”

e) “Whether the present suit of partition is maintainable without the site plan of the suit property (OPP)?”

6. Learned counsel for the petitioner has drawn the attention of the Court to para 2 of the preliminary objections and para nos. 12 to 14 and para 17 of the written statement where he has taken the requisite objections on the basis of which the issues needed to be framed.

7. At this stage, learned counsel for the respondents submits that he has no objection in case the petition is allowed and the issue No. b, c & e as proposed by the petitioner in his application under Order XIV Rule 5 CPC are ordered to be framed.

8. In view of the fact that petitioner has taken specific objections in the written statement coupled with the fact that respondent has no objection to the framing of said issues, the petition is allowed and issue No. b, c & e as proposed in the application under Order XIV Rule 5 CPC be framed by the



learned Trial Court.

9. While passing the impugned order, the learned Trial Court imposed a cost of Rs 5,000/ on petitioner-. The cost was imposed because it was a last opportunity for cross-examination of PW1 and the adjournment was sought for cross examination of PW-1 on account of unavailability of the main counsel.

10. Since the two additional issues were framed on 15.03.2022, more appropriately the learned Trial Court should have adjourned the case to some other date to enable the petitioner to prepare for the cross-examination, instead of directing her to cross-examine the witness on the same date. The order of imposition of cost therefore, cannot be sustained. The impugned order is set aside and the petition is disposed of in terms of the above order.

**RAVINDER DUDEJA, J**

**FEBRUARY 27, 2025**

Sk/r