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

Date of Decision : 27th January, 2026

\+ CM(M) 186/2026

MOHD AZIM .....Petitioner

Through: Mr. Syed Hasan Isfahani, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ANR. .....Respondents

Through: Ms. Shobhana Takiar, Standing Counsel for DDA with Mr. Kuljeet Singh, Advocate for R-1/DDA.
Ms. Farhat Jahan Rehmani, ASC for Delhi Waqf Board with Mohammad Danish and Ms. Fatima Parveen, Advocates for R-2/ Delhi Waqf Board.

CORAM:
HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.

CM APPL. 5117/2026 (for exemption)

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

CM(M) 186/2026 & CM APPL. 5118/2026 (for stay)

3. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, seeking to set aside the order dated 09th December, 2025 passed by the learned Trial Court in *CS SCJ 83305/2016*, whereby additional issues were framed instead of the issues proposed by the petitioner.

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4. Learned counsel for the respondent Nos.1 and 2 appeared on advance notice and accepted notice.

5. I have heard learned counsel for the parties and have also perused the record. The impugned order dated 09th December, 2025 reads as under :

> *"**Order on application under Order XIV Rule 5 CPC***
>
> *1. Arguments on application under Order XIV Rule 5 CPC heard. Record perused.*
> *2. By virtue of this application, plaintiff seeks framing of an additional issue on the basis that in the amended written statement, the defendant has taken the plea that the suit property falls in khasra no. 216, and additional issue in this regard is necessary for just adjudication of the present case. The plaintiff has proposed the following additional issue:*
> *"Whether khasra no. 216 being an evacuee property vest in Waqf Board by virtue of Section 108 of the Waqf Act, 1995 and section 11 of the Administration of Evacuee Property Act 1950? OPP"*
> *3. Application is opposed by Ld. Counsel for defendant stating that it is not even the case of the plaintiff that the suit property falls in khasra no. 216, and plaintiff cannot now prove this plea contrary to her pleadings.*
> *4. Considering the arguments of the parties, contents of the application as well as object of Order XIV Rule 5 CPC, an additional issue (in addition to issues framed on 08.01.2020) is framed as under:*
> *"Issue no. 1A: Whether the suit property is situated in khasra no. 216 of village Ladha Sarai, Mehrauli which is under the ownership of DDA?OPD"*
> *5. Application is accordingly disposed off."*

6. The additional issues framed in the impugned order is in addition to the issues framed earlier on 08th January, 2020, which reads as under :*:*

> *"1) Whether the suit property is situated in Khasra No. 1151/3 min, Mehrauli, New Delhi? OPP*

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2) Whether the plaintiff is in settled possession of the suit property? OPP
3) Whether the plaintiff is entitled to decree of permanent injunction as prayed for? OPP
4) Whether the suit is barred by Section 89 of Delhi Wakf Act? OPD2
5) Relief."

7. In view of the pleadings and the reliefs claimed, this Court is of the opinion that the issues already framed are sufficient for adjudication of the dispute between the parties.

8. Keeping in the view the aforesaid facts and circumstances, this Court does not find any illegality and infirmity in the impugned order, which is a well-reasoned order passed in accordance with law..

9. Accordingly, the present petition is dismissed. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

JANUARY 27, 2026/*nd/abk*

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