

IN THE COURT OF MS.VEENA RANI :ADJ-06, WEST
DISTRICT, TIS HAZARI COURTS, DELHI

CNR NO.DLWT01-001052-2015

Suit No:609048/2016

Sh. Chand Ram Vs. Ramesh Parkash

13-09-2023 at 4 pm.

Present: None.

1. Today the case is fixed for order on the application of the plaintiff filed u/s 151 CPC. By way of this application the plaintiff is seeking permission to allow him to repair the entire property at his own costs and expenses on the ground that the defendant, the owner of the adjoining property demolished his property which caused damaged to the property of the plaintiff.
2. Defendant has filed the reply to the application of the plaintiff and vehemently opposed the same. It is stated that plaintiff is in illegal possession of the suit property and defendant has already filed a suit for possession being its owner which is pending before the court in Tis Hazari Courts, moreover, the plaintiff has no right to carry out any kind of repair in the suit property.
3. Heard. File perused.
4. The plaintiff has filed the present suit for the recovery of Rs.12 lacs against the defendant on the alleged ground that the defendant has caused damaged to his property.
5. The present case is old case pertains to the year 2015. Issues have already been framed on 03-05-2016 and present case plaintiff's evidence is going on. The issue

regarding the maintainability of case of plaintiff and the misjoinder and non-joinder of necessary parties have been framed in the present case. A issue whether plaintiff has suffered the loss on account of the act of the defendant has also been framed. The aforesaid allegations are yet to be proved by the plaintiff by way of evidence. Plaintiff has also examined himself and two other witnesses and case is fixed for remaining PE, meanwhile the plaintiff has filed the present application. There is no clarification given by the plaintiff as to why court permission is required to carry out the repair in the property. The relief sought by the plaintiff through present application is not the subject matter in the present case. Hence, the present application is devoid of any merit. Same is hereby dismissed.

6. Put up for remaining PE on 14-12-2023.

Announced in the open court.

(VEENA RANI)

Additional District Judge-06,

West District, Tis Hazari Courts, Delhi

Judge Code : DL00271/Date:13-09-2023