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

+ **FAO 119/2024**

MANOHAR SINGH

..... Appellant

Through: Mr. S.S. Tripathi & Mr. Dinesh
Kumar, Advs.

versus

GURMEJ SINGH

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **05.04.2024**

CM APPL. 20450/2024—Exp., CM APPL. 20451/2024—exp.

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

FAO 119/2024, CM APPL. 20449/2024—I.relief

3. The present appeal under Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') has been filed assailing the order dated 14.02.2024 passed by the learned ADJ-01, South District, Saket District Court, New Delhi (hereinafter referred to as 'Trial Court'), in CS DJ No.17/2021 titled as "*Manohar Singh vs. Gurmej Singh*", vide which the application moved on behalf of the petitioner under Order XXXIX Rule 1 & 2 CPC has been dismissed. Petitioner being the plaintiff before the learned Trial Court.



4. Learned counsel submits that the petitioner is the owner of the subject property by virtue of Khasra Khatoni of the years 1971-72, 1979-80, 1984-85, 1985-86, 1986-87 and so on till 2001. Learned counsel submits that the learned Trial Court has not considered any of the documents and has opined that the plaintiff has failed to show any prima facie case.

5. Upon petitioner's taking necessary steps, issue notice to the respondent no.4 through all permissible modes including via approved courier service, returnable on 15.04.2024.

SHALINDER KAUR, J

APRIL 5, 2024

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