

(Item D-29)

Satya Pal vs. Rajani Devi and others

LPA No.52 of 2025

09.10.2025

Present: Mr.Deepak Gupta, Advocate for the appellant.

In compliance to order dated 23.04.2025, counsel for the appellant has placed on record documents of the suit for permanent prohibitory injunction filed on 22.04.2016 along-with other pleadings, however, copy of the dismissal of the suit has not been filed.

Counsel for the appellant has raised an argument that application for amendment of the plaint in the Regular First Appeal has been rejected. It is submitted that the dispute is regarding two storeyed building and the amendment now sought is of the third storey, which was raised by the appellant and has been forcibly occupied by the respondents during the pendency of the suit for possession which was filed on 12.12.2012 and dismissed on 01.10.2016.

It is submitted that suit for permanent prohibitory injunction regarding third floor was filed in April, 2016, during the pendency of the civil suit. It is submitted that purpose of the amendment would be only that possession is to be taken from the defendants/respondents which is stated to be in the name of the appellant/plaintiff. Therefore, it would be in the interest of justice that the dispute is decided in a composite manner, rather than filing a fresh suit for the

third floor. The learned Single Judge has not appreciated above fact on the ground that the plea regarding two sets is different.

We have also noticed that dispute is between the close relatives as apparently, the defendants/respondents is the sister-in-law of the son of the deceased brother. In such circumstances, we are of the considered opinion that an effort should be made to resolve the issue by way of mediation, if possible.

It is not disputed that Arjun Kumar had died way back in 2002.

Notice be issued to the respondents, returnable on 20<sup>th</sup> November, 2025. The parties are also directed to come present on the date fixed for making an effort to resolve the issue, if possible.

**( G.S. Sandhawalia )**  
**Chief Justice**

October 09, 2025  
(naveen)

**( Jiya Lal Bhardwaj )**  
**Judge**