

Bhoop Singh Gola (Deceased) Through ... vs Municipal Corporation Of Delhi And Anr. on 27 March, 2025

\$~52 & 53

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 27th March

+ CM(M) 569/2025 & CM APPL. 17846-17847/2025

BHOOP SINGH GOLA (DECEASED) THROUGH SPECIAL

POWER OF ATTORNEY HOLDER PRADEEPPetitioner

Through: Mr. R.K. Sonkiya with Mr. Gaurav
Maver, Advocates.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Mr. Arun Birbal, Advocate

+ CM(M) 570/2025 & CM APPL. 17957-17958/2025

BHOOP SINGH GOLA (DECEASED) THROUGH SPECIAL

POWER OF ATTORNEY HOLDER PRADEEPPetitioner

Through: Mr. R.K. Sonkiya with Mr. Gaurav
Maver, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.

.....Respondent

Through: Ms. Arti Bansal with Ms. Shruti Go
Advocates for respondent No.1/MCD
Mr. Arun Birbal, Advocate for
respondent No.2/DDA.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner had filed two different suits.

2. The first suit was filed in June 1994 whereby they had sought permanent injunction against MCD. Such suit is, presently, having registration number as CS SCJ 12543-16.

3. The other suit by the same petitioner was filed in the year 2006 and by virtue of the abovesaid second suit, plaintiff seeks damages from DDA on the premise that his property has been demolished, without any prior notice and intimation.

4. Issues were framed in both the suits and evidences were also led. It is apprised that the matters were consolidated for the purposes of recording evidence.

5. When the cases were at the stage of final arguments, initially, plaintiff had moved an application under Order XVIII Rule 3 CPC seeking permission to lead evidence in rebuttal in CM(M) 569/2025 corresponding Suit No.CS SCJ 6654-16. Primarily, the petitioner wanted to examine Record Clerk

with Revenue Record in order to establish that Khasra No.1191/701/2/2 did not exist in village Munirka.

6. The abovesaid application was dismissed by the learned Trial Court.
7. Subsequent to dismissal of the abovesaid application, the plaintiff moved a separate application in both the abovesaid suits, requesting the Court to frame various additional issues.
8. The present petitions challenge order of dismissal of such applications.
9. This Court has gone through the impugned order dated 01.03.2025. The reason of dismissal is, virtually, the same and identical.
10. Learned counsel for respondent/DDA and learned counsel for respondent/MCD appear on advance notice and accepts notice.
11. After hearing arguments for some time, learned counsel for the petitioner/plaintiff restricts his request to, merely, grant of permission to examine one official from Revenue Record in order to show and demonstrate that no such Khasra No.1191/701/2/2 ever existed in village Munirka.
12. Learned counsel for respondents, though, submit that the abovesaid request was earlier declined by the learned Trial Court on 14.02.2025 and lacks any merit but since the cases are already at the stage of final arguments and have already got delayed considerably, without prejudice to their rights and contentions, they leave it to the Court to pass appropriate order in the matters.
13. Both the cases are now listed for final arguments before the learned Trial Court on 02.04.2025.
14. Keeping in mind the overall facts and circumstances of the case, the age of the cases and the fact that the petitioner merely wants to summon one official witness with Revenue Record, the abovesaid petitions are disposed of with direction that the learned Trial Court shall permit the plaintiff to examine such official.
15. Let the complete details in this regard be furnished before the learned Trial Court on next date of hearing and the learned Trial Court would, thereafter, issue requisite process so that the abovesaid witness is examined.
16. The learned Trial Court shall, after the above exercise, take up the matter for hearing final arguments and would make best endeavour to dispose them of as expeditiously as possible, particularly, keeping in mind the fact that the cases are very old.
17. Both the petitions, alongwith pending applications, stand disposed of in aforesaid terms.

(MANOJ JAIN) JUDGE MARCH 27, 2025 st/js