



\$~51

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

% *Date of Decision: 08th May, 2025*

+ CM(M) 750/2025 & CM APPL. 24307-24308/2025

SMT KALPANA

.....Petitioner

Through: Mr. Abhishek Kumar Singh and Mr.
Alok Kumar Singh, Advocates with
petitioner-in-person

versus

SH ASHOK SOMANI

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 24308/2025 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 750/2025 & CM APPL. 24307/2025

1. Petitioner has taken exception to order dated 29.01.2025 whereby her request to frame additional issue has been declined.
2. On careful perusal of the plaint and written statement and issues earlier framed by the learned Trial Court, it is crystal clear that petitioner, merely, seeks recovery from defendant (petitioner herein). According to him, on two different occasions, defendant had approached him and he had given a total loan of Rs. 2,50,000/- to her.
3. Undoubtedly, in his plaint, he also claimed that he is having a shop and godown in Sadar Bazar, Delhi.
4. When the case was already at the stage of final arguments, defendant sought framing of additional issue and she wanted an issue to be framed to the



effect whether plaintiff was owner of property bearing no. J-51/3 & 6, (Shop and godown), Shiv Shakti Kal Bhairon Mandir Committee (Regd.), Idgah Road, Sadar Bazar, Pahar Ganj, Delhi-110055.

5. Her such request has been declined.
6. Evidently, rejection is the only option available to the learned Trial Court, in the given factual matrix.
7. Suit was simpliciter a recovery suit and there was no involvement of any question or issue with respect to ownership *qua* any immovable property and, therefore, the Court does not find any illegality or perversity in the impugned order.
8. Learned counsel for petitioner, in all fairness, also informs that suit in question has already been disposed of and the petitioner herein has suffered a decree *vide* judgment dated 25.05.2025.
9. Viewed thus, even otherwise, the present petition has become infructuous.
10. Resultantly, the present petition is hereby dismissed.
11. All the pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 8, 2025/dr/shs