

(Equivalent Citation:- 1996(2) AD(Delhi) 441)

61 (1996) DELHI LAW TIMES 850

DELHI HIGH COURT

Manmohan Sarin, J.

MAHESH KUMAR MONGA—Plaintiff

versus

RISHI RAJ AND OTHERS—Defendants

IA 10039 of 1995 in Suit No. 1273 of 1993—Decided in Feb., 1996

Civil Procedure Code, 1908—Order 14 Rules 2 and 5—Framing of additional issues—Suit for specific performance—Two reliefs sought—Court-fee not paid separately—No privity of contract with defendant No. 5—Defendant No. 5 not present when issues framed—Additional issues to be framed.

Held: The plaintiff does not have any privity of contract with defendant No. 5 so as to claim specific performance of contract against it, but is claiming a decree of possession, since he claims to have been illegally dispossessed by defendant No. 5. Accordingly the question of suit being properly and separately valued for relief of possession against the defendant No. 5 would arise for consideration. In view of the foregoing discussion, the following additional issues which arise from the pleadings.

[\(Para 5\)](#)

Result: I A disposed of.

Counsel for the Parties:

For the Plaintiff: ***Mr. R.M. Sinha, Advocate.***

For the Defendant: ***Mr. P. Nandrajog and Mr. S.P. Mehta, Advocates.***