



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 20th OF SEPTEMBER, 2024

MISC. PETITION No. 4606 of 2024

KIRAN SAHU

Versus

SAWAN GUPTA

Appearance:

None for petitioner even in second round.

ORDER

This petition under Article 227 of the Constitution of India has been filed seeking the following reliefs:-

- (1) That, this Hon'ble Court may kindly be pleased to set aside the impugned order dated 15.07.2024 passed by 16th Civil Judge, Junior Division, Bhopal, District Bhopal (M.P.) (Annexure P/1).
- (2) Any other relief which this Hon'ble Court deems fit and proper may also be given to the petitioner alongwith the cost of petition, in the interest of justice.

2. It is the case of petitioner that petitioner filed an application under Order XIV Rule 5 CPC for framing of additional issue to the effect, "as to whether agreement of tenancy contains forged signatures of defendant/petitioner or not?" By the impugned order, Trial Court has rejected said application on the ground that issues which have already been framed would cover the issue proposed by the petitioner.



3. Petitioner has not filed copy of the written statement to show as to whether she has admitted her tenancy or not. Even copy of issues already framed by Trial Court has not been placed on record. Furthermore, one more issue was proposed by petitioner, which was to the effect that, “from the year 2007 defendant/petitioner was constantly demanding receipts of payment of rent, but in spite of that, the same was not provided to her”. Thus, it is clear that petitioner has not disputed the landlord-tenant relationship. The petitioner is in arrears of rent or not, is to be proved by the plaintiff. Once the landlord-tenant relationship has not been disputed, then what was the relevance of issue proposed by the petitioner that, “whether the agreement of tenancy contains forged signatures of defendant/petitioner or not”, is not clear. Under these circumstances, this Court is of considered opinion that the only intention of petitioner to file application under Order XIV Rule 5 CPC appears to be to delay the proceedings.

4. As no jurisdictional error was committed by the Trial Court by rejecting the application filed under Order XIV Rule 5 CPC, accordingly, the petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

Arun*