

23.07.2025

CS No. 765/25

Harmohan Singh vs. Amritpal Singh and ors.

Present: Sh. Gaganmeet Singh, Ld. Counsel for the plaintiff a/w plaintiff.

On the LDOH, part arguments were in fact heard upon the maintainability of the present suit however, inadvertently it has come in the ordersheet that part arguments on the application under Order 39 Rule 1 and 2 CPC were heard.

The stenographer is warned to be careful in future.

Ld. Counsel for the plaintiff relying upon the judgment of Ravinder Kaur Grewal and ors vs. Manjeet Kaur; Civil Appeal no. 7764/2014 has contended that a person in adverse possession can maintain a suit seeking declaration since the declaration by way of adverse possession can be used as a sword.

Keeping in view the fact that the plea of adverse possession and claiming ownership of title on the basis of the aforesaid plea being a mixed question of fact and law, issue summons of the present suit alongwith notice of the application under Order 39 Rule 1 and 2 CPC upon the defendant on filing of PF/RC/Speed Post.

Notice accepted by Sh. Govind Singh, Advocate on behalf of defendant no. 1 to 5.

Let a copy of the plaint alongwith documents be supplied to the counsel for the defendant no. 1 to 5 whose office address is Chamber no. 680, Western Wing, THC, Delhi and having mobile no. 9971405577.

Ld. Counsel for the plaintiff submits that he is not pressing his application under Order 39 Rule 1 and 2 CPC at this stage.

Renotify for service of defendant no. 6 on **23.08.2025**.

Sachin Sood
DJ-01, Central,
THC, 23.07.2025