

23.07.2026

Present: Sh. Sona Ram Gupta, Ld. Counsel for the plaintiff
alongwith plaintiff.
Sh. Hitesh Bhardwaj, Ld. Counsel for the defendant
alongwith defendant.
Sh. Shiv Dutt Kaushik, Ld. Counsel for DUSIB
(through VC).

Status report on behalf of DUSIB filed.

Time sought on behalf of plaintiff to file an
application under Order XII Rule 6 CPC. Advance copy of the
application, if any, be supplied to the opposite side.

Perusal of record reveals that an application under
Order VII Rule 14 (3) CPC is pending adjudication.

By way of instant application, the plaintiff wishes to
file on record the documents such as Agreement, Possession
Letter, Receipt, Will and Affidavit dated 22.02.2006. The
plaintiff has averred that she could not inadvertently file these
documents alongwith the plaint.

Ld. Counsel for defendant no. 1 opposes the
application on the ground that no cogent reason has been
assigned by the plaintiff for non filing of these documents
alongwith the plaint.

Arguments heard. Record perused.

The suit is at initial stage. Issues have not been
framed yet. Though the plaintiff has merely stated that due to
inadvertence these documents could not be filed, these are

material documents as the defendant has set up the plea that he was inducted as a tenant by Sh. Darshan Lal and on the basis of these documents, the plaintiff is trying to establish that she had derived her title qua the suit property from Sh. Darshan Lal. The aforementioned documents are essential for adjudication of the matter in controversy and for determination of all the issues involved in the instant matter. Accordingly, the application in hand is allowed subject to cost of Rs.1000/- to be paid to defendant no.1. The documents are hereby taken on record.

Vide order dt. 29.04.2026, this Court had impleaded DUSIB as defendant in the present suit. In terms of Order I Rule 10 (4) CPC, plaintiff may file amended plaint with advance copy to the opposite side. Amended memo of parties be also filed on record within 07 days from today.

Defendant no. 1 is at liberty to file additional Written Statement within 30 days from today and shall also file an affidavit of admission/denial of documents. Plaintiff may file replication alongwith affidavit of admission/denial of documents.

Another application under Order XXXIX Rule 1 & 2 CPC is also pending, whereby ad-interim restraint order against creation of third party interest in the suit property i.e. ground floor, first floor, and one room on the second floor of property bearing no. 8/390, Khichripur, Delhi, till the final disposal of the present suit is sought. Reply has already been filed.

Arguments heard. Record perused.

The case of the plaintiff is that she is the owner of the suit property and had let out the suit property to the

defendant at monthly rent of Rs.9,000/-. It is alleged that the defendant failed to pay the rent after July, 2022 and did not vacate the suit property despite termination of tenancy by way of legal notice, dated 14.03.2024.

The defendant, on the other hand, has denied the relationship of landlord -tenant and has even denied the ownership of the plaintiff qua the suit property. The defendant claims that he was inducted as a tenant in the suit property by one Mr. Darshan lal in the year 1998 and since then, the defendant is in peaceful and uninterrupted possession of the suit property.

Statement of defendant was recorded under Order 10 CPC on 28.03.2026, wherein he had admitted that he had taken the suit property on rent from Sh. Darshan Lal. The plaintiff has filed the GPA Sale documents dated 22.02.2006 executed in her favour by Sh. Darshan Lal. Though the defendant has disputed the ownership of the plaintiff as well as the existence of jural relationship of landlord-tenant between the parties, the admitted position which emerges on record is that the defendant is in possession of the suit property in the capacity of a tenant.

A tenant has no right, title or interest to part with the possession of the tenanted premises. Moreover to avoid multiplicity of litigation, it is essential that possession of the suit property be not transferred. Accordingly, the defendant is restrained from selling, transferring or creating any third party interest in the suit property bearing *i.e. ground floor, first floor,*

and one room on the second floor of property bearing no. 8/390, Khichripur, Delhi, till the final disposal of the present suit.

Written Statement, if any, on behalf of DUSIB alongwith affidavit of admission /denial be filed within 30 days from today with advance copy to the opposite side.

Replication alongwith affidavit of admission/ denial be filed within 30 days thereafter with advance copy to the opposite side.

Renotify the matter for completion of pleadings/ framing of issues on **07.09.2026**.

(SHUCHI LALER)
District Judge-02 (East),
Karkardooma Courts/23.07.2026