

RCT ARCT 26/18

LAL BAHADUR Vs. GULSHAN DHEMIJA (DECEASED
THROUGH LRS)

28.03.2025

Pr. Sh. Q.H.Khan, Ld. Counsel for appellant.

Sh Yogesh Kmar, Ld. Counsel for the respondent.

Put up for order at 4.00 p.m.

(Shail Jain)

Principal District & Sessions Judge,
East District, KKD Courts, Delhi.

28.03.2025 (mk)

(At 4.00 p.m.)

Pr. None.

1. The plaintiff himself has admitted that tenant or his LRs are not in possession of property in question.
2. While considering the judgment passed by Ld. Trial Court and pleadings of the parties placed on record, it appears that there are discrepancies in the claim raised by both the parties. In the judgment of Ld. Trial Court, on internal page no. 11 para 1, it has been mentioned that petitioner (appellant herein) has alleged that he had purchased the property from Sh. Dharmender, who has stated in the revision petition that Charan Dass Dhamija was tenant of his father and admittedly, Charan Dass Dhamija is not father of respondent and therefore, Ld. Trial Court has held that respondent could not have presumed to have inherited the said

tenancy and this point has not been explained by the appellant in the appeal.

3. Admittedly, it is case of the appellant that he is owner of the portion of property no. 741, Jheel Khuranja, Delhi-110051, whereas in the order of Ld. Trial Court, it has been mentioned that petitioner (appellant herein) has admitted in the revision petition filed against order dated 03.02.2004 passed by SDM in a case u/s 145 Cr.P.C. that Sh. Charan Dass Dhamija was tenant of his father in property bearing no. 736/2 for the last 15-20 years. This again shows discrepancies in the case of appellant, which has not been explained.

4. It is also case of the parties that Sh. Dharmender Kumar from whom the petitioner/appellant is claimed to have purchased the suit property, has also executed sale deed qua portion of property bearing no. 741, Jheel Khuranja, in favour of Sh. Lachhi Ram. This shows that even identification of suit property and its ownership has not been clearly alleged or proved on record.

In view of aforesaid clarifications, order cannot be passed today. The parties are directed to file chronology of events showing transfer of property from original allottee till the appellant or respondent came in possession or became owner as per their separate claim.

Put up for clarification / arguments on **02.05.2025**.

(Shail Jain)
Principal District & Sessions Judge,
East District, KKD Courts, Delhi.
28.03.2025 (mk)