

11.02.2025

Present: None for plaintiff.
 Shri Deepak, proxy counsel for defendant.

Order on Objections filed by the defendants dated 08.10.2024.

It is submitted that the present suit was filed by the plaintiff seeking partition, permanent and mandatory injunction in respect of property bearing Flat No.52A, Pocket-C, Mayur Vihar, Phase-II, Delhi-91. It is further submitted that this court has issued directions to the SDM concerned to file report with regard to the indigency status of plaintiff. Plaintiff did not supplied certain requirements to file the inquiry report with regard to the indigency of the plaintiff and then as per the order dated 01.05.2024 the fresh report was called with regard to indigency dated 28.05.2024. The officials of SDM Office Mayur Vihar submit the fresh report. It is further submitted that on 20.08.2024 the MTS from the office of SDM Mayur Vihar filed the report before the court and the matter was adjourned for 23.09.2024 and on that day the counsel for the defendants gone through with the reports with the permission of this court as the copy of the same was not provided to the counsel for defendant and then came to know about the facts that the plaintiffs did not provide the exact information as well as the documents for filing the appropriate report and one of the plaintiff provided the bank statement for year 2024 and another for the year 2023, while both the plaintiffs received the handsome amount by selling some of the ancestral property of the defendant and executed one sale deed 12.04.2022 and

another dated 22.08.2024 and in lieu of the same both the plaintiffs received approximately Rs. 30 lakhs from the respective purchasers but intentionally did not provide the details of the said bank account. It is further submitted that plaintiffs have received the handsome amount, therefore they can not be allowed to pursue the case as indigent person and as they also did not provide the requisite information as well as the documents for proper inquiry from the office of SDM Mayur Vihar and as on the basis of incomplete information the report had been filed by the officers of SDM Mayur Vihar and in fact the present report is also similar to the report filed earlier, under that circumstances the said report is being challenged for proper adjudication of the case. It is therefore requested that present objections be allowed.

Reply to the above said objections is filed by the plaintiffs. It is submitted that defendant intentionally and deliberately is raising objections. It is further submitted that plaintiffs have filed the complete account statement on record. It is further submitted that after the death of father of plaintiff no.1 and husband of plaintiff no.2 had received many notice from the concerned bank because husband of the plaintiff no.2 had mortgaged agriculture land in bank and after his death being the LR, notice were got sent to the plaintiff no.2 and thereafter the loan of the bank was paid after sale of agricultural land and some amount was not paid by the purchaser because the defendant intentionally and deliberately had initiated legal proceedings challenging the said transfer. It is submitted that defendants are well aware that the amount which was received after selling agriculture land was paid against the loan and now the plaintiff have filed the complete account statement and present

objections has been filed with malafide intention in order to harass and humiliate to the plaintiff. The plaintiffs have denied all the other allegations as alleged by the defendant in the objections. It is prayed that present objections be dismissed.

Heard. Record is perused and considered.

Plaintiff has filed the present suit for partition, permanent and mandatory injunction against the defendant in respect of property bearing Flat No.52A, Pocket-C, Mayur Vihar, Phase-II, Delhi-91. Late Sh.Ratan Pal Singh is father of plaintiff no.1 and defendants and husband of plaintiff no.2 and is the absolute owner of the suit property through registered sale deed. Late Shri Ratan Pal Singh was expired on 20.08.2017 leaving the legal heirs. Defendant had contended that both the plaintiff received the handsome amount by selling the ancestral property of the defendant and executed one sale deed dated 12.04.2022 and another dated 22.8.2024 and in lieu of the same both the plaintiffs received approximately Rs. 30 lakhs from the respective purchasers but intentionally did not provide the details of the said bank account alongwith the same both the plaintiffs also received approximately Rs. 5 lakhs. To support his plea, the defendant filed copy of two sale deeds, details of which are as follows:

a) Village Kanvi, Pargana/Tehsil/Disdriect-Hapur, Land Khata no.355, Khasra no.111, Rakba-0.1900 Hectare and Khata No. 354, Khasra no.112, Rakba 0.2530 Hectare and plaintiffs have received Rs.6,00,000/- by cheque no. 611500 dated 12.04.2022, Rs. 6,00,000/- by cheque no. 612185 dated 01.05.2022, Rs. 6,00,000/- by cheque no. 612186 dated 01.05.2022 drawn on District Co-operative Bank, Branch- Bulandshaher

and Rs.4,00,000/- by cheque no.543286 dated 12.04.2022 drawn on State Bank of India, Hapur Branch and Rs. 15,000/- was received by plaintiffs in cash.

b) Village Kanvi, Pargana/Tehsil/District-Hapur, Land Khata No.353, Khasra No.107P, Rakba 0.3790 Hectare and plaintiffs have received Rs.2,50,000/- by bank no.174989 dated 21.11.2022 and Rs.2,50,000/- by cheque no.229482 dated 22.05.2022 drawn on Indian Bank, Nizampur branch and Rs.4,000/- in cash.

Further, the plaintiffs have filed their account statement to show their financial capacity which shows that plaintiffs have amount not more than Rs.10,000/- in their account, however, plaintiffs have concealed the fact and bank accounts in which they encashed the cheques taken from the purchaser of the above said properties. Perusal of record reveals that plaintiffs have given incomplete information to the enquiry officer despite repeated direction which shows the malafide on the part of plaintiffs. In view of the above observation, the present objections are allowed.

Plaintiffs are directed to file requisite court fee on record.

Put up for filing of requisite court fee/ further proceedings on 18.03.2025.

(Pooja Jain)
District Judge-03/NB
East/KKD Courts/Delhi
11.02.2025