

CS 231/25

SANJEEV TOMAR AND ORS. VS. JYOTI GARG AND ANR.

10.11.2025

Present: Sh. C.S.S. Tomar and Sh. Yash Thakur, Ld. Counsel for
plaintiffs.

1. File taken up on an application seeking early hearing.
2. Matter is taken up for hearing. Application is disposed of. Thus, date of 02.12.2025 is cancelled.
3. On 11.06.2025, plaintiff was called upon to argue on the maintainability of the present suit.
4. Arguments heard. Record perused.
5. Plaintiffs are son and wife of late Sohan Lal. They have approached this Court *inter alia* for a decree of declaration of ownership qua a piece of land measuring 200 sq yards.
6. As per plaint, this land is part of a large land measuring 5.9 beega and 0.14 biswa falling in Khasra No. 157-158, Vill. Chauhan Patti, Delhi-110094.
7. As per plaintiffs, name of Sohan Lal finds mention in the revenue record/khasra girdawari. A perusal of khasra girdawari annexed with the plaint shows that the same pertains to the year 2019-2020 and *inter alia* records the name of 'Mulhad, Sohan Lal etc'. On query of this Court, Counsel for plaintiff submits that Sohan Lal was one of the seven siblings (five brothers and two sisters) and the reference made to different persons by use of terms 'etc' in the Khasra girdawari relied upon by the plaintiffs is to the said siblings.

8. It is plaintiff's case that Sohan Lal received his share in the aforesaid land after division between owners/co-sharers and plaintiffs are the absolute owners of the suit property on the death of Sohan Lal.
9. It is not clear from the reading of the plaint as to when any division took place between Sohan Lal and other siblings.
10. I may note that plaintiffs have not made the siblings of Sohan Lal parties to the present suit. The date or the manner of division (as pleaded in para 3 of the plaint) is not clear. Despite a specific query of this Court in this regard, Counsel for plaintiffs did not give any cogent answer.
11. Now, in the absence of the other siblings of Sohan Lal being made a party to the present suit when the necessary pleadings qua division are missing, raises a question as to whether any declaration of absolute ownership can be made in favour of plaintiffs. In my humble opinion, either there should be some pleadings to *prima facie* show that there was a division between the siblings of Sohan Lal including their details, the manner of division and the time of such division (so as to exclude them from being made parties to this suit) or they shall have to be made parties to this suit.
12. One opportunity is thus granted to the plaintiff to take steps in this regard.
13. Further still, it may be noted that khasra girdwari is merely a record of cultivation and may not give title to persons mentioned therein. But, plaintiffs have only relied upon the said document to claim title to the land in question.

14.Plaintiffs are also called upon to address arguments as to how can they maintain their suit solely on the basis of revenue records for their claim of title. .

15.During the course of arguments, Counsel for plaintiffs submitted that now plaintiffs have been dispossessed from the suit property. He submitted that he would be amending his plaint to include the relief of possession.

16.Said submission is taken on record.

17.Let plaintiff address arguments on the aforesaid points on 14.01.2026.

Aashish Gupta
DJ-01/NE/KKD/DELHI
10.11.2025