

**IN THE COURT OF AASHISH GUPTA, DISTRICT JUDGE-01,
NORTH-EAST DISTRICT, KARKARDOOMA COURTS, DELHI**

In the matter of

CS No. 95/22

CNR No. DLNE010011092022

Sh. Nand Kishore Saxena (Sr. Citizen)
S/o Lt. Bishamber Dayal,
R/o H. No. A-214, Street No. 15,
A-Block, Near Indian Bank, First Pusta,
Sonia Vihar, Delhi-110094

VERSUS

1. Smt. Madhu Saxena @ Suman Saxena
Ex. W/o Sh. Nand Kishore Saxena and
D/o Sh. Tribhuvan Swaroop Saxena

Presently Residing At:

H. No. 1/1413, J-Block,
Near Buddh Bazar Chowk, Mansarovar Park,
Shahdara, Delhi-110032

Permanently Residing At:

H. No. 100, Street Aheriyan Deeg Gate,
Mathura, U.P.-281001

2. Sh. Rakesh Saxena
S/o Sh. Tribhuvan Swaroop Saxena
R/o H.No. 180, Gali No. 5,
Subhash Nagar, Ghaziabad, U.P.-201001

3. Smt. Sudha Saxena
W/o Sh. Rakesh Saxena
R/O H.No. 180, Gali No. 5,

Subhash Nagar, Ghaziabad, U.P. 201001

4. Sh. Jai Singh @ Pappu
S/o Sh. Hari Ram
R/o H. No. 160, Kailash Nagar-2,
Ghaziabad, U.P. 201001
5. Smt. Sahira @ Saheen, NGO Worker
R/o Unknown
(eventually dropped vide
order dated 04.03.2024)
6. Station House Officer,
P.S. Khajuri Khas

Date of institution : 18.04.2022
Reserved on : 12.01.2026
Date of Decision : 17.03.2026

JUDGMENT

1. D-1 is ex-wife of plaintiff; D-2 is brother of D-1; D-3 is wife of D-2; D-4 is stated to be a property dealer; and D-5 is an NGO worker. It may be noted that D-5 was dropped from the array of parties vide order dated 04.03.2024.
2. **Brief facts**: Plaintiff claims that he is the absolute owner and in peaceful possession of land/property No. A-214, Street No. 15, A-Block, Near Indian Bank, First Pusta, Sonia Vihar, Delhi-110094 measuring 25 sq yard (hereinafter referred to as '**suit property**').

3. Plaintiff claims that in the year 1992 his wife/D-2 alongwith three children, under the influence of her parents and brother Rakesh Saxena/D-2, left the house of plaintiff and since then his wife and children are living separately from plaintiff. Eventually, plaintiff took a divorce from D-1 and remarried.
4. Plaintiff claims that on 11.12.2020, when he was alone in the house, defendants came with some goons and gave some intoxicants in tea to him, as a result of which plaintiff became unconscious. Thereafter, defendants fraudulently obtained original property papers of the suit property from plaintiff and they all took plaintiff (in unconscious state) to SDM Court and got signed from him documents i.e GPA, sale agreement, affidavit, possession letter etc of the suit property (hereinafter referred to as the '**disputed documents**'). As per plaintiff, now all the original papers of suit property are in possession of defendants.
5. Plaintiff claims that thereafter, on several dates, defendants came to the suit property and tried to forcefully dispossess the plaintiff by beating and threatening him. He also claims that in pursuance to the said attempts, on 24.12.2020 he was dispossessed from the property but with police intervention, he was able to enter his house on 25.12.2020. He claims that thereafter, attempts are being made to dispossess him from the suit property and despite several complaints to police authorities, police is not taking any action.

6. Thus, plaintiff is before this Court seeking a declaration of ownership; a declaration that the disputed documents dated 11.12.2020 in favour of D-1 are null and void.
7. Additionally, he has prayed for decree of permanent injunction against defendants their agents, servants, LR's and associates thereby restraining them from dispossessing the plaintiff from suit property; or from alienating/creating any third party interest in the suit property.
8. Only D-1 entered appearance in this case and filed her written statement. She essentially admits the entire case of plaintiff in her written statement and claims that she was misguided and trapped in the conspiracy hatched by other defendants to grab the property of plaintiff. She even admits the assertion of the plaintiff that he was intoxicated and under the effect of intoxication, the disputed documents were got signed in favour of D-1.
9. Other defendants i.e. D-2 to D-6 (except D-5 who was eventually dropped from the array of parties vide order dated 04.03.2024) did not enter appearance and they remained ex-parte.
10. Even D-1, after filing her written statement, stopped appearing and was eventually proceeded ex-parte.
11. Thus, the matter was tried ex-parte.

12. To prove his case, plaintiff led evidence detailed below:-

S.No.	Particulars of witness	Nature of witness and documents relied
1.	Sh. Nand Kishore Saxena/PW-1	Plaintiff himself. He tendered his evidence by way of affidavit Ex. PW1/A whereby he reiterated the contents of his plaint. He relied upon the following documents: 1. Copy of the Address Proof of Plaintiff - Ex.PW1/1 (OSR) 2. Complaint sent by speed post to SHO, P.S. Khajuri Khas on dated 25.08.2021 - Ex.PW1/2 (OSR) 3. Complaint to ACP, Khajuri Khas filed on dated 25.08.2021 - Ex.PW1/3 (OSR) 4. Complaint to DCP, North East Distt filed on dated 28.12.2020 - Ex. PW1/4 (OSR) 5. Complaint to Commissioner of Police, Delhi Police, PHQ, Delhi filed on dated 05.01.2021 - Ex. PW1/5 (OSR) 6. Complaint to Lieutenant Governor of Delhi, Raj Niwas Marg, Delhi, filed on dated 05.01.2021 - Ex. PW1/6 (OSR) 7. Copy of the complaint filed against the Defendants on Dated 27.12.2020 to SHO Khajuri Khas and ACP N. E. - Ex. PW1/7 (OSR) 8. Copy of the complaint filed against the Defendants on Dated 27.12.2020 to ACP/N. E. - Ex.PW1/8 (OSR) 9. Compact Disc (CD) of the Conversation between Plaintiff and Defendants - Ex. PW1/9 10. Copy of the GPA in favour of the plaintiff alongwith copy of the previous chain - Ex. PW1/10 11. Copy of the order and judgment of divorce passed by the Civil Judge, Ghaziabad - Ex. PW1/11 12. Copy of Adhar Card of D-1 Suman Saxena - Ex. PW1/12 13. Copy of the forged GPA, affidavit for receipt, Possession Letter in favour of the Defendant No. 1, Madhu Dated 11.12.2020 - Ex. PW1/13 (colly) 14. Certificate u/s 65B of Indian Evidence Act - Ex. PW1/14 15. Site Plan of Suit Property - Ex. PW1/15

		16. Photographs of the suit Property showing possession of Plaintiff - Ex. PW1/16 17. E-Copy of the Order of JMFC/NE for pending case u/s 156(3) & 200 CrPC alongwith Certificate u/s 65B of Indian Evidence Act - Ex.PW1/17 (colly)
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13. Plaintiff has set up a case that he is the owner and in possession of the suit property. In support of the said contention, he has placed on record a copy of GPA, agreement to sell, Will etc all dated 21.06.2017 Ex. PW1/10.

14. The contention of the plaintiff that he is the owner and in possession of the suit property has gone unchallenged and unrebutted. Even D-1 has admitted the case of the plaintiff qua his ownership and possession of the property in the written statement filed by D-1. In fact, D-1 in her written statement claims that she was misguided and trapped in the conspiracy hatched by other defendants **to grab the property of plaintiff**. She even admits the assertion of the plaintiff that he was intoxicated and under the effect of intoxication, the disputed documents were got signed in favour of D-1.

15. The disputed documents Ex. PW1/13 are in favour of D-1 and she herself claims in her written statement that the said documents were got executed from plaintiff under the effect of some intoxicant.

16. Thus, essentially, D-1 has herself admitted the entire case set up by plaintiff. This includes the claim of ownership of plaintiff; his claim of possession of suit property; his claim that under the effect of

some intoxicant, he was made to sign the disputed documents; that he was attempted to be dispossessed from the suit property by defendants.

17. The other defendants have not appeared before this Court to contest the present case. Thus, considering the uncontested and unrebutted testimony of the plaintiff and also considering the admission of D-1 made in the written statement filed by her, plaintiff is entitled to each of the reliefs sought in the present case. Accordingly, the suit of the plaintiff is decreed and he is granted the following reliefs.

1. Plaintiff is entitled to a decree of declaration that he is the owner of the suit property bearing No. A-214, Street No. 15, A-Block, Near Indian Bank, First Pusta, Sonia Vihar, Delhi-110094 measuring 25 sq yard;
2. The disputed documents i.e. GPA, agreement to sell, affidavit, receipt and possession letter all dated 11.11.2020 and forming part of Ex.PW1/13 (colly) are cancelled and declared as 'null and void'.
3. D-1 to D-4 or any person claiming through or under them are permanently restrained from alienating or creating any third party interest in the above described suit property or from dispossessing the plaintiff therefrom.
4. Costs of the suit are also awarded to plaintiff recoverable jointly and severally from D-1 to D-4.

18. Let a decree-sheet be prepared.

19. Site plan Ex.PW1/15 to form part of decree.

**Announced in the
open Court on 17.03.2026**

**Aashish Gupta
District Judge-01, North-East District,
Karkardooma Courts, Delhi**