

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

In the matter of

**RCA DJ No. 42/26
CNR No. DLNE010013192026**

Rama Devi
W/o Ravinder Kumar Salani @ Salotri
R/o H.No. B-13, Ram Gali,
North-Ghonda,
Delhi-110053

.....Appellant

Versus

Shyam Singh
S/o Sh. Suraj Mal
R/o B-272/34, Subhash Vihar,
North Ghonda, Delhi-110053

..... Respondent

**Date of institution : 21.04.2026
Reserved on : 04.06.2026
Date of Decision : 25.07.2026**

JUDGMENT

1. The present first appeal impugns the judgment and decree dated 10.10.2025 passed in CS No. 8874/16 (hereinafter referred as the ‘**impugned judgment/decree**’) whereby the Ld. Trial Court has dismissed the suit of plaintiff.

2. Vide the same judgment, the counter claim of the defendant was partly allowed and the documents of the plaintiff i.e. (a) sale deed dated 07.03.2001 (Ex. PW1/1); (b) GPA, agreement to sell, affidavit, Will and receipt all dated 18.11.1999 (executed by plaintiff's husband Ravinder Kumar in favour of plaintiff) were declared as **null and void.**
3. For the sake of convenience, parties shall be referred to by the nomenclature used before the Ld. Trial Court.
4. With the present appeal, plaintiff has also preferred an application U/O 41 Rule 3A CPC read with Section 5 of Limitation Act.
5. As per the said application, there is a delay of 84 days in the filing of the present appeal. The said delay is sought to be explained based on *medical emergencies, serious illness, family difficulties* of the plaintiff.
6. As per record, the present appeal came to be filed on 21.04.2026. The impugned judgment is dated 10.10.2025. Thus, if one excludes the limitation of 30 days provided for first appeal, the delay in the filing of the present appeal comes to 162 days.
7. As noted above, plaintiff/appellant claims that the delay is only 84 days, which is a factually incorrect assertion. A bare perusal of the paper book shows that there is a delay of **162 days** in filing of the present appeal.

8. The said delay is sought to be explained on the ground of *medical emergencies, serious illness, family difficulties* of the plaintiff. Not even a single document has been annexed with the appeal paper book to show any medical emergency or any serious illness suffered by plaintiff/appellant which may justify the delay of 162 days in filing of the present appeal.
9. Counsel for the plaintiff had submitted that some time was wasted in obtaining the certified copy of the judgment/decreed. A perusal of the certified copy filed on record shows that plaintiff had applied for the certified copy on 09.01.2026 (i.e. after the expiry of the period of limitation) and the same was ready on 19.01.2026.
10. It is settled law that once period of limitation begins to run, it shall run its full course. It is apparent from the certified copy filed by the plaintiff that she applied for the same after the period of limitation had expired and thus, she cannot plead or be given benefit of any period which lapsed from the date of applying of certified copy or the date when she actually was supplied the copy.
11. Even if the above is over looked and benefit of 11 days is given to the plaintiff with respect to the time spent by her in getting certified copy of the impugned judgment, still it leaves a delay of **151 days** in the filing of the present appeal.

- 12.As noted above, plaintiff has not placed on record even a single document to explain the said delay or lay any ground for condoning the same.
- 13.Thus, in my humble opinion, the present appeal is liable to fail on the point of limitation itself and therefore, the application seeking condonation is liable to be dismissed.
- 14.Still, even if I consider the appeal on merits, in my humble opinion, the same is liable to fail and should be dismissed *in limine*.
- 15.Plaintiff had approached the concerned Civil Court praying that she should be declared owner of suit property measuring 50 sq yards out of Khasra No. 209/143, 207/143 situated at Ram Gali, North Ghonda bearing H.No. B-13, Delhi-110053 (hereinafter referred to as '**the suit property**').
16. Her said claim was premised on the contention that one Maya Devi was the original owner of 100 sq yards of area and out of the said area, 50 sq yards were sold to **her mother-in-law Resham Devi on 11.03.1998.**
- 17.She then claims that her husband Ravinder Kumar Salani sold the said 50 sq yards to her on the basis of GPA, agreement to sell etc on 18.11.1999; and eventually she executed a registered sale deed in her own favour on 07.03.2001 Ex. PW1/1.

18. After appreciation of evidence, the Ld. Trial Court held that plaintiff's claim of ownership cannot succeed as she did not produce any documents which could establish transfer of title from her mother-in-law Resham Devi to her husband Ravinder Kumar. The relevant portion of the said finding is contained in the following paragraphs of the impugned judgment and the same read as under:-

42. Since the plaintiff's ownership claim flows from her husband, whom she asserts purchased the property from his mother, it was incumbent for her to produce those documents to establish her title. However, no document showing transfer of the suit property from Smt. Resham Devi to Sh. Ravinder Kumar has been placed on record despite specific suggestions of the defendant's counsel that the plaintiff's husband never had any right, title, or interest in the property to transfer the same in her favour. Consequently, the subsequent documents dated 18.11.1999 in favour of the plaintiff, including the alleged sale deed, do not hold any validity so as to confer ownership rights on her.

43. It is further pertinent to refer to the cross-examination of one Mr. Sehdev (RW3), record clerk from the office of Sub-Registrar IV, Seelampur, in the eviction case. The cross-examination of this witness is a part of Ex. DW1/2 (Colly). He produced certified copies of the GPA and Will, both dated 18.11.1999, executed by the plaintiff's husband in her favour, exhibited as Ex. RW3/1 and Ex. RW3/2 in that case. During cross-examination, he expressed serious doubts regarding the authenticity of these documents. He stated:

"It is correct to suggest that Ex. RW3/2 is not the same copy of the Will which record I have brought before this Hon'ble Court except details are correct..... It is correct to suggest that the impression size and length and etc. of the letters which are written Ex. RW3/2 and letters which are written Will Deed which record I have brought today are quite different in their length, size etc. The type of letters are also different and

the same is not the photocopy and certified copy of the record which I have brought today. It is correct that letters encircle A & B and C are which are appearing in Ex. RW3/2 have been fabricated as the same are not tallied from the record which I have brought today.The will i.e. Ex. RW3/2 seems to be fabricated. It is correct to suggest that the record which I brought today of G.P.A is not tallied with Ex. RW2/C".
(underlining added)

44. Thus, the very documents dated 18.11.1999 on which the plaintiff's claim is based are clouded with suspicion, disintitling her from asserting ownership over the suit property.....

(emphasis supplied)

19. Thus, the Ld. Trial Court noted that as per plaintiff's own case, Maya Devi was the original owner of the suit property. She, as per plaintiff transferred it to plaintiff's mother-in-law Resham Devi on 11.03.1998. Thereafter, Resham Devi's son (husband of plaintiff namely Ravinder Kumar Salani) claims to have transferred the suit property to plaintiff on 18.11.1999. But, before Ravinder Kumar Salani could do so, the Ld. Trial Court noted that no transfer documents by Resham Devi in favour of Ravinder Kumar **have been placed on record by the plaintiff.**

20. This means that the crucial chain of documents which could give the capacity to Ravinder Kumar to transfer the suit property to the plaintiff were never produced or proved before the Trial Court. This led the Trial Court to hold that the subsequent transfer documents executed by Ravinder Kumar in favour of his

wife/plaintiff dated 18.11.1999 (in the nature of GPA, agreement to sell, affidavit, Will and receipt) and the subsequent sale deed executed by plaintiff in her own name dated 07.03.2001 Ex. PW1/1 are null and void.

21.Nothing was brought to my notice during the course of arguments to justify how the said findings of the Ld. Trial Court is incorrect.

22.Ld. Counsel for the plaintiff argued that the Ld. Trial Court has partly allowed the counter claim of the defendant without actually framing any issue on the said counter claim. It was argued that in law, no finding can be returned without an issue being framed. He argued that the Ld. Trial Court committed grave error by returning a finding in favour of the defendant without there being any issue on the counter claim of the defendant.

23.The said argument of the plaintiff is misconceived and is *dehors* the record.

24.I may note that in para 10 and 11 of the impugned judgment, the Ld. Trial Court has specifically noted the proceedings dated 18.08.2017 and 26.08.2022 before the Trial Court. The said paras reads as under:-

10. On 18.08.2017, the defendant again filed an application under Order XIV Rule 5 read with Section 151 CPC, requesting that appropriate issues be framed in the counterclaim and that evidence of the parties be led afresh. On the same date, the application was dismissed, with the observation that the rival ownership

claims of the parties would be adjudicated under the issue of relief.

11. On 26.08.2022, the defendant moved another application under Order VIII Rule 17 CPC for cross-examining the plaintiff's witnesses in connection with the counterclaim. This application was dismissed on 22.12.2022. The defendant challenged this dismissal before the Hon'ble High Court in CM (M) 1133/2023. The CM (M) was dismissed on 03.08.2023.

(emphasis supplied)

25. Thus, it is apparent from the above as well as from the perusal of the Trial Court record that the Ld. Trial Court in its order dated 18.08.2017 had opined that there was no requirement of framing any issue in the counter claim of the defendant and **the rival ownership claims of the parties would be adjudicated under the issue of relief.**

26. The said order of the Ld. Trial Court attained finality and nothing has been brought to my notice to demonstrate how the said order was wrong on facts or on law.

27. It is apparent from the record that plaintiff had asserted her title based on a chain of documents. The same was disputed by the defendant claiming that he is an independent owner of the suit property based on his own title chain starting from plaintiff's mother-in-law Resham Devi dated 10.08.1998.

28. Thus, on one hand plaintiff asserted title on her own chain, defendant asserted title on his own chain. Both the said claims of the parties failed.

29. The Ld. Trial Court in its order dated 18.08.2017 had correctly concluded that the claim of defendant shall be considered while deciding the issue of relief. From the said order, it is apparent that parties were all along aware about the claims and counter claims of each other and no prejudice whatsoever has been brought to my notice which could justify the setting aside or interference of this Court with the well reasoned and detailed judgment passed by the Ld. Trial Court.

30. Apparently, plaintiff was claiming title over the suit property, but, she failed to bring on record the complete chain of title in her favour. As noted by the Ld. Trial Court in para 42 of the impugned judgment (quote above), plaintiff did not place on record the title documents by which her mother-in-law Resham Devi transferred the suit property to her husband Ravinder Kumar. Once the complete title chain was not proved on record, the Ld. Trial Court returned a correct finding of fact that plaintiff cannot be declared owner of the property based on the chain relied upon by her.

31. Again, since the crucial link/chain flowing from plaintiff's mother-in-law Resham Devi to plaintiff's husband Ravinder Kumar was found missing, the Ld. Trial Court rightly declared the subsequent title documents in favour of Ravinder Kumar and in plaintiff's favour as null and void.

32. Thus, even on merits, the present appeal is liable to fail.

33. Accordingly, it is ordered that not only the present appeal is hopelessly barred by time, even on merits, there is no ground made out to interfere in the impugned judgment and decree.
34. Accordingly, the application seeking condonation of delay as well as the present appeal is dismissed *in limine*.
35. The judgment and decree dated 10.10.2025 is upheld.
36. Parties to bear their own cost.
37. Let a decree sheet be prepared.
38. TCR be sent back.
39. Let copy of the judgment passed in appeal along with decree-sheet be sent to Ld. Trial Court.

**Announced in the
open Court on 25.07.2026**

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