

23.01.2026

Present: Sh. Jitendra Kumar, Ld. counsel for plaintiff.
Ld. counsel for D-1 to D-4 and D-8 through VC.

1. Reply to plaintiff's application u/O XI Rule 14 CPC filed. Copy supplied. Counsel for contesting defendants submit that in compliance of last order dated 08.01.2026, D-4 is carrying the original chain of title qua the suit property in favour of Munna Khan. He submits that since both the parties are not disputing the title of Munna Khan (predecessor in interest of both the parties), there is no need to file the original chain produced today.
2. Counsel for plaintiff, on the other hand, argued that since plaintiff is suing for partition and the original chain of suit property is admittedly in possession of D-4, it was necessary for plaintiff to cause production of said chain so that any technical objection qua the suit may be avoided.
3. D-4 is directed to file photocopy of the original chain with proper index produced today in court within three days from today. Let copy thereof be supplied to counsel for plaintiff. D-4 has been returned the original chain in court to his satisfaction and he is directed that in case the said chain is required in future, he shall produce it in original, as and when so directed.
4. With the said directions, the application is disposed off.
5. Contesting defendants have moved a separate application u/s 39 of BSA seeking direction to send a gift deed 10.07.2018 Ex.DW1/1 with admitted signatures and handwriting of Munna Khan. Copy

supplied.

6. Counsel for contesting defendants has not specified in the application as to with which admitted signatures/handwriting of Munna Khan does he want comparison of the aforesaid gift deed. He orally argued that the documents directed to be placed on record today contains admitted signatures of Munna Khan and therefore the same should be send for FSL examination.
7. It is pertinent to note that plaintiff is not admitting any specific signatures of Munna Khan on the documents directed to be produced (with direction given to D-4 today). The only direction was for production of documents and there is no admission of plaintiff qua any thumb impression/handwriting including that of Munna Khan.
8. Thus, without there being any admission on the part of the plaintiff, it cannot be concluded by this court as to which are the admitted signatures/thumb impression of Munna Khan which can then be compared with disputed signatures/thumb impression on the gift deed dated 10.07.2018. Even the application moved today is vague qua the admitted signatures/thumb impression and does not say anything about any document where such admitted signatures/thumb impression of Munna Khan are present.
9. Considering the above the application is misconceived. It is dismissed.
10. List for final arguments on 13.02.2026.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
23.01.2026