

12.11.2025

Present : Sh. Satish Kumar, Counsel for the plaintiff
Sh. Sunil Rana, counsel for D-1 to D-3 and proposed
defendant Lokesh Bansal.
Ms. Vasu Singh, counsel for D-4.

Arguments heard on the application u/o 1 Rule 10
CPC filed by the intervenor proposed defendant Lokesh Bansal.

The plaintiff has filed this suit for partition and
auxillary reliefs claiming that she is the co-sharer in the suit
property to the extent of 1/4th share. The remaining co-sharers
are arrayed as D-1 to D-3. She is relying upon the registered sale
deed dated 07.11.2017 in respect thereof. Her divorced husband
i.e. intervenor Lokesh Bansal is now seeking impleadment in this
suit on the ground that he has paid the sale consideration for the
purchase of the 1/4th share of the plaintiff in the suit property. So
basically he is trying to allege that he be treated as the ostensible
owner of the 1/4th share of the plaintiff. This plea is clearly
barred by Section 4 of the “Prohibition of Benami Property
Transactions Act”. Similar observations were made by the High
Court of Delhi on 22.09.2025 in the judgement titled as
**“Sangeeta Gera Vs Sanjeev Gera Matrimonial Appeal (FC)
217/17**. The relevant portion is reproduced as under :-

*“34. In this backdrop, once the property
stands in the joint names of the spouses, the
husband cannot be permitted to claim
exclusive ownership merely on the ground
that he alone provided the purchase
consideration. Such a*

plea would contravene Section 4 of the Benami Act, which imposes an absolute bar against the enforcement of rights in respect of property held benami. The provision clearly stipulates that no person claiming to be the real owner of a property standing in another's name can either institute proceedings or raise a defence asserting such ownership. Thus, the combined effect of the presumption of equal ownership between spouses and the statutory prohibition under Section 4 is that the Appellant is prevented from contending that the amount from the sale of the joint property belongs to him alone."

In the given set of circumstances, the appropriate remedy for the intervenor Lokesh Bansal is to instead file a suit for recovery of the so called money paid by him. He cannot interject in this partition suit given the nature of his plea. Accordingly, the application filed by intervenor Lokesh Bansal u/o 1 Rule 10 CPC is thus dismissed.

To come up for further proceedings on **11.03.2026**.

(Sidharth Mathur)
District Judge-01(N)/Rohini
Courts Delhi/ 12.11.2025