

CS DJ 780/23
BHUPINDER SINGH AND ANR Vs. MEENA JAIN AND
ORS

20.08.2024

Present: Plaintiff no. 2 with Ld. counsel.

Proxy counsel for the defendant no. 1 to 4.

Sh. Karan Kapur and Sh. Devender Singh, Ld. counsel
for the defendant no. 5/DDA.

Ld. counsel for Sub Registrar.

Ld. counsel for plaintiff submits that he does not want
to file any reply. Ld. proxy counsel is ready to argue the matter.

Arguments heard.

It appears that there have been two conveyance deed
purportedly executed by DDA in respect of the same property.
However, the allegation is that the first conveyance deed is
forged as the allotment in favour of Om Prakash was already
cancelled by the DDA and therefore this defendant no. 1 to 4
could not have succeeded any right through the said Om Prakash
in the property. The plaintiff herein wants declaration of such
first conveyance deed as null and void and thereupon they also
need some consequential relief. On the other hand, the defendant
no. 1 to 4 claim that they have already filed a suit against the
plaintiff no. 1 alongwith other persons including DDA thereby
claiming declaration for validity of their documents. Therefore
they claimed that the instant suit should be stayed under Section
10 CPC.

I am of the view that the claim of the defendant is
patently false. Even if they want to get a declaration of validity of
their documents, in the absence of declaration against documents

of defendant, they cannot claim any right, more so when the DDA itself is admitting the authenticity of conveyance deed in favour of plaintiff no. 1 whereas denying the authenticity of conveyance deed in favour of Om Prakash. Both the suits cannot be treated in respect of same substantial issue and as such the suit cannot be stayed. The application filed under Order 10 CPC is dismissed.

So far as application under Order 7 Rule 11 CPC is concerned, a direction is given to the plaintiff to properly provide the valuation in paragraph 30 of the plaint so as to clarify the exact amount of jurisdictional value and of court fee. With these observations, the application is disposed of.

So far as application under Order 8 Rule 1 CPC is concerned, it would be sufficient to note that law does not recognize any right in the defendant to claim that they will not file WS since they have filed an application under Order 7 Rule 11 CPC. However, the defendants may file WS with application for condonation which shall be decided on its own merits. The application is disposed of.

List for further proceedings on **07.01.2025**.

(Rakesh Kumar Singh)
DJ-02/(N-W), Rohini Courts
Delhi/20.08.2024