

CS DJ 780/23
BHUPINDER SINGH AND ANR Vs. MEENA JAIN AND ORS
Sub Matter : Misc DJ/0001407/2024
BHUPINDER SINGH AND ANR Vs. MEENA JAIN AND ORS

07.01.2025

Present: Plaintiff with Ld. counsel.

Ld. counsel for defendants no. 1 to 4.

Sh. Karan Kapur, Ld. counsel for DDA/defendant no. 5 with

Sh. Tarun Gupta, SSA (DDA).

Sh. Sunil Kumar, Ld. Counsel for defendant/Sub
Registrar.

Ld. counsel for DDA has filed brief synopsis.

Ld. counsel for plaintiff submits that he has no objection to the condonation application of defendants no. 1 to 4. **As such, the said pending application is allowed and the application filed by plaintiff for closure of right is dismissed.** WS of defendants no. 1 to 4 is taken on record. Ld. counsel for plaintiff submits that he has already filed the replication to the said WS.

On the basis of pleadings following issues are framed:-

1. **Whether the conveyance deed dated 07.07.2022 is a valid document? OPP.**
2. **Whether the conveyance deed dated 22.07.2021 is a forged document?OPP.**
3. **Whether allotment letter issued by DDA in favour of Om Prakash Kaviraj was ever cancelled?OPP**
4. **Relief.**

The point of relief shall cover the entitlement of plaintiff to get a decree for declaration in respect of all the documents of the defendants and shall be dependent on the validity or otherwise of the allotment letter, conveyance deeds dated 22.07.2021 and 07.07.2022, as if the basic documents of the defendants are found to be invalid, their all subsequent documents will collapse and therefore the entitlement of plaintiff will dependent on the answers to the issues so framed. The point of relief shall also include the entitlement of plaintiff to get an injunction against the

defendants from creating any third party right and also to the Sub Registrar to register further sale deed at the behest of plaintiff as if the plaintiff's conveyance deed is found to be genuine, he will have a right to sale the property and also to prohibit the defendants from creating any other rights. The plaintiff if is able to prove his conveyance deed, the defendants will become illegal occupants of the property and will have to handover the possession to the plaintiff and therefore the point of relief shall also cover entitlement of possession of the property. So far as damages and mesne profits are concerned, the same shall be subject matter of Order 20 Rule 12 CPC after disposal of the case.

Ld. counsel for the plaintiff submits that he has filed an application under Order 26 CPC for appointment of LC for recording of evidence and he is willing to bear the expenses. Ld. counsel for defendant has no objection. **The application is allowed.**

In such circumstances, **Ms. Nisha Gaur, Enrollment no. D/13326/2023, Mobile no. 9560433938, Office At 332, Vardhman Premium Mall, Deepali, Pitampura, Delhi** is appointed as Local Commissioner to record the evidence in this case.

Within two months, the evidence of petitioner shall be concluded by the Ld. LC and report shall be filed in the Court. The Ld. LC shall record the evidence in terms of Order 18 Rule 4 R/w Order 26 Rule 4A CPC.

Copy of the order be given **dasti** to the parties and also to the Ld. LC.

Miscellaneous petition number DJ 1407/2024 stands disposed of and is directed to be tagged with the main suit file.

Be listed for the report of Ld. LC and also for further proceedings on **15.07.2025**.

(Rakesh Kumar Singh)
DJ-02/(N-W), Rohini Courts
Delhi/07.01.2025