

17  
CS DJ  
840/22  
MEENA JAIN  
Vs.  
DEPUTY DIRECTOR LAND SALES  
BRANCH(ROHINI)

19.09.2022

Present : Sh. Archit Singhal, Ld. Counsel for the plaintiff.

Ld. Counsel has placed on record certain additional documents along with list of documents.

He has pressed upon his application u/o 39 rule 1 and 2 CPC for passing of an ex-parte order in the favour of the plaintiff.

Put up for consideration at 04.00 pm.

**(RUCHIKA SINGLA)**  
**ADJ-03 (N/W)**  
**Rohini Courts :Delhi/19.09.2022**

**At 04.05 pm**

Present: None.

Matter was listed for consideration at the point of summoning. Ld. Counsel has pressed upon his application u/o 39 rule 1 and 2 CPC seeking an ex-parte injunction in the favour of the plaintiff stating the plaintiff is under apprehension that the Sale Deed is likely to be executed in the favour of some other person in respect of the suit property, which is owned by the plaintiff. It is submitted that as per his knowledge, the Sale Deed is likely to be presented before the Sub-Registrar i.e. the defendant no. 2. Hence, an exparte injunction is sought that no Sale Deed should be registered in the favour of any other person.

Record perused.

The plaintiff has placed on record certain documents as per which the suit property i.e. property no. 63, pocket 17, Sec-24, Rohini, Delhi measuring 60 sq mtrs was allotted to one Sh. Om Prakash Kaviraj by the DDA vide allotment letter dated 12.11.1991. Thereafter, the property was sold by him to one Sh. Naresh Kumar vide documents i.e. General Power of Attorney, Agreement to Sell, Affidavit Will, Receipt, Possession Letter all dated 08.10.1996. Thereafter, the DDA executed a Conveyance Deed in the favour of Sh. Naresh Kumar on 23.07.2021 in respect of the suit property. Thereafter Sh. Naresh Kumar sold the property to the plaintiff vide a registered Sale Deed dated 02.09.2021. It is submitted that in the month of July, 2022, some strangers approached the plaintiff's residence and stated that the property belong to them and that they are getting the Sale Deed executed in their favour. Hence, the plaintiff was constrained to file the present suit.

Today, the plaintiff has filed on record certain additional documents which he has received by filing an RTI with DDA. Perusal of record shows that the same property has been allotted to one Sh. Bhupinder Singh by the DDA vide Allotment letter dated 30.07.1999. A Conveyance Deed had also been executed in the favour of Sh. Bhupinder Singh by the DDA on 27.04.2022. However, Sh. Bhupinder Singh has not been made a party in the present suit by the plaintiff. The plaintiff seeks a blanket order that no document should be registered in the name of any other person. It is a well settled principle of law that a civil remedy is not in rem but in personum.

In the opinion of the court, Sh. Bhupinder Singh is a

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necessary party to the present suit. However, he has not been arrayed as a defendant despite his details being with the plaintiff. An injunction can not be passed against a person who is not a party in the suit. Furthermore, a Conveyance Deed has also been executed in the favour of Sh. Bhupinder Singh by the DDA. What documents are correct shall be a matter of trial. Hence, the court is not inclined to grant an ex-parte injunction against a person who is not even a party to the suit.

Let summons be issued to the defendant no. 1, 2 and 3 on filing of PF within 07 days from today, returnable on **23.12.2022.**

**(RUCHIKA SINGLA)**  
**ADJ-03 (N/W)**  
**Rohini Courts :Delhi/19.09.2022**