

**IN THE COURT OF MS. RUCHIKA SINGLA,  
ADDL. DISTRICT JUDGE-03, NORTH-WEST DISTT.,  
ROHINI COURTS, DELHI**

**07.06.2023**

**CS DJ 840/22**

**MEENA JAIN & Ors. Vs. DEPUTY DIRECTOR LAND  
SALES BRANCH(ROHINI) &  
Ors.**

**ORDER**

1. Vide this common order, I shall dispose of the application u/o 39 rule 1 and 2 CPC and the application u/o 39 rule 4 CPC. Arguments were advanced at length on behalf of both the parties on the last date. I have also gone through the record.

2. It is the case of the plaintiff that the plaintiffs are the owners of the property bearing no. 63, Pocket-17, Sec-24, Rohini, Delhi (hereinafter referred to as the suit property) as they have purchased the same vide a registered Sale Deed dated 02.09.2021 executed by one Sh. Naresh Kumar in their favour. It is stated that the suit property was allotted to Sh. Om Prakash Kaviraj by the DDA vide an Allotment letter dated 12.11.1991. Thereafter, Sh. Om Prakash Kaviraj sold this property to Sh. Naresh Kumar through General Power of Attorney, Agreement to Sell, Affidavit, Will, Receipt and Possession Letter all dated 08.10.1996. On the basis of these documents, the DDA executed a Conveyance Deed dated 23.07.2021 in the favour of Sh. Naresh Kumar who sold the property to the plaintiffs.

3. It is submitted that since the purchase of the property, the plaintiffs are in the possession of the suit property. Now, in July, 2022, some strangers approached the plaintiff at their residence and threatened them that the property was their property. Later on, the plaintiff came to know that the defendants were in the process of getting the Sale Deed executed in respect of the suit property. Hence, they have approached this court for the relief of declaration, temporary and permanent injunction. It is submitted by Ld. Counsel for the plaintiff that vide order dated 23.12.2022, an ex parte injunction is granted in the favour of the plaintiff. Hence, the application may be allowed and the injunction may be granted till the disposal of the present suit.

4. The application has been strongly opposed by the defendants. It is submitted that the defendant no. 4 is the owner of the suit property as a Conveyance Deed dated 07.07.2022 had been executed on behalf of the DDA in the favour of the defendant no. 4. It is submitted that the suit property was allotted by the DDA to the defendant no.4 vide an Allotment letter dated 24.03.1999. Further, it is submitted by Ld. Counsel for the defendants that the DDA had filed its report on the last date of hearing. As per report of the DDA, though the property was earlier allotted to Sh. Om Prakash Kaviraj but the said allotment was canceled. Subsequently, the property was allotted to the defendant no. 4. Thereafter, the Conveyance Deed has also been executed by the DDA in the favour of the defendant no. 4. Further, as per the report of the DDA, no Conveyance Deed has been executed on 22.07.2021 in respect of the suit property.

5. In view of the same, it is clear that the documents

which have been relied upon the plaintiff are forged and fabricated. It is further submitted that the defendant no. 4 has already executed a registered Sale Deed in the favour of some other person. Hence, there is no prima facie case or balance of convenience in the favour of the plaintiffs. Hence, the application u/s 39 rule 1 and 2 CPC may be dismissed and the ex-parte injunction which was granted to the plaintiff may vacated.

6. In rebuttal, it is argued by the Ld. Counsel for the plaintiff that the DDA has merely mentioned in its report that the plot was allotted to defendant no. 4 after cancellation of the prior allotment. However, no details of cancellation have been mentioned. The DDA has also not placed on record any document vide which the plot allotment was canceled. Per contra, the plaintiff has placed on record the copy of the entire set of documents as per which the allotment was done in the favour of Sh. Om Prakash Kaviraj. The receipts of payment to DDA are also placed on record. The Conveyance Deed which has been executed in the favour of Sh. Naresh Singh as SPA holder of Sh. Om Prakash Kaviraj is a registered document. Hence, the matter needs trial. In case the application is dismissed and the defendant no. 4 executes a Sale Deed in the favour of some other person, then the same shall only give rise to multiplicity of proceedings.

7. Record perused.

8. In the present matter, it is a matter of record that there are two Conveyance Deeds which have been placed on record. One is in the favor of Sh. Naresh Kumar, the predecessor-

in-interest of the plaintiffs and the other in the favour of Sh. Bhupinder Singh i.e. the defendant no.4. As per the report of the DDA, the Conveyance Deed has been executed by the DDA in the favour of Sh.Bhupinder Singh. Further, it has been mentioned that no Conveyance Deed dated 22.07.2021 has been executed by the DDA. However, perusal of the copy of Conveyance Deed dated 22.07.2021 which has been placed on record by the plaintiff shows that the same is a registered document which has been registered before the Sub-Registrar's office.

9. Further, it is an admitted fact that the property was earlier allotted to Sh. Om Prakash Kaviraj. The plaintiff has placed on record the receipts of payments which were allegedly made by Sh. Om Prakash Kaviraj with the DDA. As pointed out by the Ld. Counsel for the plaintiffs, no documents qua cancellation of allotment have been placed on record by the DDA. Furthermore, the plaintiff has placed on record the documents such as water bill, electricity bill etc., as per which, the plaintiffs are in the possession of the suit property. Then, during the course of arguments, Ld. Counsel for the plaintiff pointed out that as per the case and documents of the defendant no.4, the suit property was allotted to him on the basis of his application no. 34012 but as per the record available on the website of the DDA, the plot no. which has been allotted to the defendant no.4 on the basis of his application no. 34012 is **415**, whereas the suit property is plot no. **63**.

10. During the course of arguments, Ld. Counsel for the defendant no.4 had argued that the suit property is already disposed off. However, it was submitted on behalf of Sub-

Registrar that the Sale Deed executed by Sh. Bhupinder Singh i.e. the defendant no. 4 in the favour of one Sh. Hari Om is pending registration.

11. In view of the facts and circumstances, in the opinion of the court, the matter needs trial. To preserve the property and to prevent multiplicity of proceedings, the application u/o 39 rule 1 and 2 CPC is allowed. The defendants are restrained from creating any third party interest in the suit property in the favour of any person till the disposal of the present suit or till further orders.

12. Further, to protect the interest of both the parties, the plaintiffs are also restrained from creating any third party interest in the suit property till the disposal of the present suit or till further orders. In view of this order, it is directed to the Sub-Registrar that the Sale Deed which is pending registration may not be registered till further orders.

The application u/o 39 rule 1 and 2 CPC is allowed and consequently, the application u/o 39 rule 4 CPC is dismissed.

**(RUCHIKA SINGLA)**  
**ADJ-03 (N/W)**  
**Rohini Courts :Delhi/07.06.2023**