

**IN THE COURT OF DHEERAJ MITTAL, DISTRICT
JUDGE-04 NORTH WEST DISTRICT, ROHINI COURTS,
DELHI**

CNR No. DLNW010125862025



CS DJ : 906/2025

In the matter of:-

Mata Shanti Devi Mandir Trust

(Also known as Shanti Kunj Ashram)

A Public Charitable Trust, through its Trustee

Prem Kumar Bareja

.....Plaintiff

VERSUS

Seema Gupta

.....Defendant

Dated: 30.07.2026.

Present: Sh. Vibhor Gupta, Ld. counsel for the plaintiff.

Sh. Sanjay Gupta and Sh. Amol Sharma, Ld.

Counsels for Defendant along with defendant.

1. In terms of previous order dated 02.07.2026, the defendant has filed certified copy of Judgment dated 14.01.2025 passed by the competent Probate Court of DJ-05 Central District Tis Hazari Courts, Delhi, in the probate petition no. 7/2022. Copy supplied.

2. Brief note on behalf of the plaintiff filed. Copy supplied.

3. Further oral arguments heard on the maintainability of the present suit as well as application u/o 39 rule 1 and 2 CPC

filed by the plaintiff.

4. By this order, firstly, I shall dispose of the amended application dated 23.12.2025 filed by the plaintiff u/o 39 rule 1 and 2 CPC.

5. Brief facts of the case of the plaintiff are that Plaintiff, Mata Shanti Devi Trust, is a public charitable trust established on 19.06.1998 by Late Smt. Shanti Devi for advancing spiritual and humanitarian objectives, with a strict prohibition on profit-making activities.

6. It is further averred that Late Smt. Shanti Devi, a revered spiritual figure who remained unmarried and childless, dedicated her life to public service and acquired certain immovable properties, including the **subject property i.e. H.No. A-20/4, Rana Pratap Bagh, Malkaganj Delhi**, and another property at Vrindavan. It further case of the plaintiff that during her lifetime, she irrevocably dedicated these properties to the Plaintiff Trust through duly executed Trust Deeds, thereby vesting beneficial ownership in the Trust for perpetual charitable use and for maintaining the Ashram.

6.1 It is further case of the plaintiff that Late Smt. Shanti Devi resided in the subject property until her demise around the year 2000. During her lifetime and thereafter, one Shri Jagdish Chandra Arora acted merely as a caretaker of the Ashram and was permitted to occupy a portion of the property in that capacity. After his demise around 2020, the Defendant, Smt. Seema Gupta, who was engaged only as a caretaker to assist Shri Jagdish Chandra and the Ashram, continued to occupy a portion of the property purely on a permissive basis, while the remaining portion has always remained in possession of the Plaintiff Trust

for religious purposes.

6.2 It is further case of the plaintiff that the dispute has arisen as the Defendant, without any ownership rights, has wrongfully retained title documents of the subject property and is attempting to sell and alienate the same in collusion with third parties, claiming ownership on the basis of an alleged Will purportedly executed by Late Shri Jagdish Chandra Arora. It is further averred that the Plaintiff categorically challenges the said Will as forged, fabricated, and void ab initio, asserting that Shri Jagdish Chandra had no title or authority to bequeath the property, being only a caretaker in a fiduciary capacity.

6.3 It is further case of the plaintiff that the subject property is a public religious and charitable property, being an Ashram and temple, and thus cannot be alienated without statutory sanction. Even otherwise, the contents of the alleged Will itself restrict any transfer of the Ashram portion, thereby negating the Defendant's claim of ownership. The Defendant has also violated her fiduciary obligations by operating an unauthorized commercial shop from the premises and by interfering with the religious character of the property, including removal of a deity statue and destruction of a tree.

6.4 It is further case of the plaintiff that the cause of action arose from the execution of the Trust Deed in 1998, the demise of the settler and caretaker, and subsequently from the Defendant's illegal acts, including interference with the property, misuse, and attempts to alienate the same. The cause of action is continuous in nature due to ongoing illegal activities, including unauthorized construction and commercial use.

6.5 It is further case of the plaintiff that plaintiff is in

possession of the property and that the balance of convenience lies in its favour, as the property is dedicated to public religious use, whereas the Defendant has only a limited, permissive right. Irreparable harm would be caused if the Defendant is not restrained.

7. With these facts, plaintiff has filed the present suit seeking following reliefs:-

"(i) Pass a decree of declaration declaring the Plaintiff, Smt. Mata Shanti Devi Trust, as the lawful and beneficial owner of the Subject Property, House No. 20/4 Block- A, Rana Pratap Bagh, Malkaganj North, Delhi.

(ii) Pass a decree of cancellation adjudicating and cancelling the purported "Deed of Will" executed by Late Sh. Jagdish Chandra Arora (S/o Late Ram Chandra Arora) concerning the Subject Property, declaring the same to be fraudulent, illegal, and null and void ab initio.

(iii) Pass a decree of permanent injunction, permanently restraining the Defendant, Smt. Seema Gupta, along with her agents, assignees, or anyone acting on their behalf, from in any manner selling, transferring, alienating, encumbering, or disposing of the Subject Property.

(iv) Pass a decree of mandatory injunction directing the Defendant to immediately cease and remove the unauthorized commercial activity (the shop) currently being operated from the Subject Property, and further directing them to vacate the portion of the premises not explicitly designated as the Shree Shanti Kunj Ashram and hand over possession to the Plaintiff Trust along with trust deed."

8. The defendant appeared in the court and file written statement. The stand taken by the defendant in brief is as under:-

8.1 That the present plaint is a fraud, which was perpetuated to usurp the valuable rights of the Defendant in the property bearing House No. 20/4, Block-A, Rana Pratap Bagh,

Malka Ganj, North Delhi-110007.

8.2 That the present suit had been instituted by Mata Shanti Devi Mandir Trust. Without prejudice to the submission that a trust was not a legal entity, the first fraud which was perpetuated is that the Plaintiff while filing the suit on behalf of Mata Shanti Devi Mandir Trust had relied upon a Trust Deed of one Shripriya Nikunj (Mata Shanti Devi) Trust. The suit had been instituted by one Shri Prem Kumar Bareja, who claimed himself to be the Trustee of Mata Shanti Devi Mandir Trust.

8.3 That without prejudice to the above, even the Trust Deed which had been filed on record being of Shripriya Nikunj (Mata Shanti Devi) Trust, has no right, title or interest in the subject property and neither the said trust was created and/or property vested with the trustees named in the said trust to have any connection direct or indirect with the subject property. Besides other reasons spelled out in the present application hereinafter, the plaint was to be rejected with exemplary costs on these submissions alone as the plaint did not disclose any cause of action to maintain the present suit.

8.4 That reading of the plaint would demonstrate that the suit had been filed seeking relief in respect of the subject property. Bare reading of the plaint would demonstrate that the Plaintiff had no right, title or interest in the subject property. The suit instituted was vexatious and had been instituted only to blackmail Defendant, who was lawful owner of the subject property. Without prejudice to the submission that Plaintiff was not even a legal entity and cannot sue in its own name, not even a single document has been filed which could even remotely relate the Plaintiff to the subject property.

8.5 That the erstwhile owner of the subject property, namely Shri Jagdish Chander Arora by virtue of a registered Will dated 22.03.2019, bequeathed the subject property to the Defendant. Will was duly probated. No objection was raised in the probate proceedings and interestingly, even the title of the erstwhile owner Shri Jagdish Chander Arora is not in challenge in the present proceedings. Therefore, cumulatively in the present proceedings, the submission of the Defendant was that there was no right, title or interest which vests with the Plaintiff and there were no document which had been filed on record to establish any connection of the Plaintiff with the subject property. The relief sought by the Plaintiff was for ne why there was no ownership document in the name of the Plaintiff. It had not been explained in the entire plaint, there was not even a whisper as to how the Plaintiff became the owner.

8.6 That the Plaintiff has no locus standi to institute the present suit, inasmuch as there was no document of ownership, which had been attached declaration of ownership and therefore, there would be a presumption that there was no ownership document in the name of the Plaintiff. It had not been explained in the entire plaint of the suit property. The defendant was holding title of the suit property along with complete chain documents since 1952. If so directed, the Defendant would produce the original title of the documents before the Court.

8.7 That the Plaintiff was claiming ownership without any basis in respect of an immoveable property, in the respectful submission of the Defendant, the suit of the Plaintiff would be without cause of action and was to be dismissed.

8.8 That plaintiff is a non existing entity. It is settled law

that Trust is not an entity and cannot be sued in its own motion. Only on this short ground, the liable to be rejected inasmuch as the present suit has been instituted by a Trust.

8.9 That in the absence of Trust Deed filed on record, Shri Prem Kamar Bareja was not the Trustee of the Plaintiff even if it is presumed that there exists any registered Trust in the name of the Plaintiff.

8.10 That the entire chain of events also gave an impression, which was required to be investigated and proceedings under Section 369 of the Bharatiya Nagarik Suraksha Sanhita, 2023 are to be initiated as on the face of it and on affidavit, false statements have been made by the Plaintiff. Moreover, these false statements are being made by abusing the process of law and to commit fraud. If so advised, the Defendant shall file a separate application seeking action against the Plaintiff, though this Court can take judicial notice of the action of the Plaintiff in the present proceedings.

8.11 That no record filed pursuant to which authority was given to Shri Prem Kumar Bareja to institute the present suit. Even in terms of the irrelevant Trust Deed filed on record, there are 14 Trustees and a suit by one of the alleged trustees would also not be maintainable.

8.12 That the suit of the Plaintiff is vexatious and has been filed with the ulterior motives. The Plaintiff is not in possession. The Plaintiff admits the suit property is over and above Rs.1.75 crores and therefore, the Plaintiff is required to pay the ad valorem court fee.

9. In the amended interim application dated 23.12.2025 filed under order 39 rule 1 & 2 CPC, the plaintiff has sought the

following reliefs:

“ (I) *That the Defendants, her agents, contractors, representatives, or anyone action on their behalf, be restrained by way of injunction from selling, transferring, encumbering, or creating any third party rights/interests in any manner whatsoever in the subject suit property bearing House No. 20/4 Block-A Rana Pratap Bagh, Malkaganj, North Delhi- 110007, until the disposal of the suit.*

ii) That the Defendants, her agents, contractors or anyone action on their behalf, be restrained by way of injunction from commencing, continuing, or completing any construction, demolition, alteration or addition in any manner whatsoever in the subject suit property bearing House No. 20/4 Block-A Rana Pratap Bagh, Malkaganj, North Delhi- 110007, until the disposal of the suit”.

10. I have perused the entire case file and heard the arguments from the Ld. Counsels for the parties. The Ld. Counsels for the parties reiterated the stand taken by their respective parties in the pleadings and therefore, there arguments are not reproduced for the sake of brevity. The Ld. Counsel for the plaintiff mainly relied upon the following judgments/citations:-

(i) Kanwarjit Singh Dhillon Vs. Hardyal Singh Dhillon and Ors. (Civil Appeal 4890 of 2007) decided on 12.10.2007, by Hon’ble Supreme Court of India.

(ii) Smt. Uma Devi Vs. Satula Devi & Ors. (LPA 209/2021, decided on 16.09.2025), by Hon’ble Delhi High Court.

11. It is settled proposition of law that at the time of deciding application u/o 39 rule 1 and 2 CPC, the Court has to see whether the plaintiffs have been able to establish a prima facie case, balance of convenience and irreparable loss in their favour.

12. In the present case, the plaintiff has sought declaration of ownership of the subject property by mentioning that Late Smt. Shanti Devi acquired the subject property during her lifetime. It is not been mentioned by the plaintiff anywhere in the plaint that on which date,

month, year Late Smt. Shanti Devi acquired the subject property and what was the mode and manner of acquiring subject property i.e. as to whether the subject property was acquired by way of sale deed/lease deed/gift deed etc., and from whom the subject property was acquired. The claim of the plaintiff in this regard is very vague in nature and it appears that the plaintiff has tried to conceal material facts on the record. It is noted that alongwith plaint the plaintiff has not filed any document regarding acquisition of subject property by Late Smt. Shanti Devi.

On the other hand, in his written statement the defendant has categorically mentioned that the subject property was purchased by Late Sh. Jagdish Chandra Arora on 12.03.1957 from Smt. Sewi Bai and thereafter, Sh. Jagdish Chandra Arora got its sanction plan approved from the MCD on 12.11.1958. It is further categorically mentioned SH. Jagdish Chandra Arora executed a register Will 22.03.2019 in favour of defendant and bequeathed the subject property to the defendant. It is further mentioned that the Will dated 22.03.2019 has already been probated by a competent court of DJ-05 Central District Tis Hazari Court, Delhi vide judgment dated 14.01.2025 in the probate petition no. 07/22. It is noteworthy that defendant has filed copy of the registered sale deed dated 12.03.1957, the copy of the registered Will as well as produced certified copy of the judgment dated 14.01.2025 of the probate Court. These facts make it clear that the defendant has disclosed the complete facts in the court establishing his title over the subject property and produced the necessary documents for the same.

13. It is noteworthy that in the present suit the plaintiff has also sought cancellation of Will executed by Late Sh. Jagdish Chander Arora in favour of the defendant. However, the plaintiff has not mentioned anywhere in the plaint the date of the said Will, which makes the plaint very vague and ambiguous. The plaintiff has not

bothered to give complete details in the plaint for the reasons best known to the plaintiff.

14. It has come on record that the said Will, which the plaintiff is claiming a forged and fabricated document, has already been probated by the competent court vide judgment dated 14.01.2025. It is noteworthy that the present suit has been filed in the court on 13.11.2025 i.e. after the date of judgment of the probate Court and the plaintiff has not bothered to mention about the said judgment in its plaint. The probate Court is the court of District Judge and this Court is also a Court of District Judge. The plaintiff has failed to explain how this court can cancel the Will which has already been probated by competent Court. The plaintiff after knowing that the said Will has already been probated, should have approached the said court for revocation of the said Will as per the provisions of Indian Succession Act, 1925. However, the plaintiff did not take any such steps and approached this Court with the present suit. In view of these facts, the present suit appears to be not maintainable in the present form.

15. In view of these facts and circumstances, when the very foundation of the suit is questionable, this court is of the considered opinion that the plaintiff has failed to make out a *prima-facie* case for the grant of interim injunction. The other two factors i.e. balance of convenience and irreparable injury also tilt in favour of the defendant because defendant has shown by virtue of his candid pleadings and documents that she is the owner of the subject property.

Consequently, this court is of the considered opinion that plaintiff is not entitled for the relief sought in the application under consideration and therefore, the amended application dated 23.12.2025 under Order 39 Rule 1 & 2 CPC filed by the plaintiff is **dismissed**. The earlier application dated 17.11.2025 filed by the plaintiff u/o 39 rule 1 and 2 CPC is also disposed of because the plaintiff filed the aforesaid

amended application.

16. Nothing stated in this order will tantamount to have an expression of opinion on the merits of the case and the observations in this order have been made in order to decide the interim application filed by the plaintiff u/o 39 rule 1 and 2 CPC.

17. The question regarding maintainability of the present suit is kept open and the same will be decided after framing of issues at a later stage as per law.

18. Put up for framing of issues, admission/denial of documents by way of affidavits, with advance copy to each other and further proceedings as per law for **19.11.2026**.

Copy of order be given dasti, as per rules.

(Dheeraj Mittal)
DJ-04, North West,
Rohini Courts, Delhi
30.07.2026