

ROOP RANI Vs. KAJAL CHANDOK AND OTHERS

06.01.2026
AT 12:37 PM

Present: Sh. Inderjeet Singh, Ld. counsel for plaintiff no.2 to 4 and LR no.1(a), 1(b) and 1(c)(III) of plaintiffs along with plaintiff No.3 and LR No.1(a) of plaintiff No.1 namely Sh. Vijay Kumar in person and also appearing for LR No.1(b) and 1(c)(III) of plaintiff No.1 and plaintiff No.2 to 4.
(plaintiff stated to be expired on 07.04.2024).
Sh. Vinod Malhotra, Ld. Counsel for D-1 and D-3 through VC.
D-2 in person.
Ms. Kanchan, Ld. Proxy Counsel for Sh. Ashish Aggarwal, Ld. Counsel for D-4 (a) to (c)
{LRs of plaintiff no.1(c) (I), (II) and (IV)}

Joint reply to the application under Order VIII Rule 3 r/w Section 151 CPC along with certified copies of orders dated 16.03.2018 passed in Eviction No.7/2017 by DM, Shahdara, Delhi and certified copies of complaint dated 02.05.2017 filed. Copy already supplied. Same has been acknowledged.

Ld. Counsel for D-1 to D-3 submits that after execution of alleged Will, deceased plaintiff No.1 filed a complaint dated 07.07.2017 before District Magistrate, Shahdara in Eviction Petition No.07/2017 in which she expressed her

desire and willingness to give 1/5th share from her share measuring 43 sq. yards in the suit property. He further submits that the said document is vital and relevant to show that deceased plaintiff No.1 was unaware about the contents of the Will. He further argued that D-1 to D-3 wants to bring on record the complaint dated 07.07.2017 to prove that the Will dated 22.04.2017 of plaintiff No.1 is not a genuine Will. He further argued that at this stage only the prima-facie of the document is to be seen and the merits of the document shall be seen at the stage of final arguments.

Ld. Counsel for plaintiffs opposed the application and argued that the present application is not maintainable at this stage. He further submits that additional issue was framed on 28.01.2025 and D-1 to D-3 have not filed the said document immediately or within reasonable time after framing of additional issue on 28.01.2025. He further argued that D-1 to D-3 wants to draw incorrect inference from the letter dated 07.07.2017 given by deceased plaintiff No.1 to DM in eviction petition No.07/2017. He further submits that despite giving the said letter, deceased plaintiff No.1 has not withdrawn her eviction petition against D-1 to D-3 and pressed the same to be decided on merits, however, the same was dismissed vide order dated 16.03.2018 due to non-maintainability. He further submits that the letter dated 07.07.2017 is irrelevant.

Heard. File perused.

The contents of the letter dated 07.07.2017 are hereby reproduced for facilitation as under:

CS 749/18

ROOP RANI Vs. KAJAL CHANDOK AND OTHERS

- : 3 : -

"दिनांक: 07 जुलाई 2017

सेवा में,

श्रीमान् डी.सी. साहब

नंद नगरी कार्यालय, दिल्ली-93

महोदय

निवेदन यह है कि मैं रूप रानी पत्नी स्व. श्री तिलक राज निवासी- एक्स-16, नवीन शाहदरा दिल्ली-32

महोदय इस पत्र से पहले मैंने डी.डी. नं. 2554 दिनांक 01-05-2017 को आपके कार्यालय में लिखित रूप से शिकायत दी थी कि मेरे उपरोक्त मकान की हालात बहुत ज्यादा खराब हो चुकी है, जिसको तुड़वाकर दोबारा बनना है। मेरे तीन पुत्र और एक बेटी है। मेरे बड़े पुत्र का स्वर्गवास हो चुका है। मेरी बड़ी पुत्रवधू (काजल) और उसके दो बच्चे हैं, एक लड़का जिसकी उम्र लगभग 28 वर्ष की और एक बेटी जिसकी उम्र लगभग 27 वर्ष है।

महोदय यह लोग मकान बनाने में बाधा उत्पन्न कर रहे हैं। मैं अपने मकान (43 गज) के हिस्से में से अपनी बड़ी पुत्रवधू को 5वां हिस्सा देने को तैयार हूँ, लेकिन मैं चाहती हूँ कि आप स्तर पर मकान की मार्केट कीमत लगवायें। उसकी जो भी कीमत सामने आती है मैं उसमें से अपनी पुत्रवधू को 5वां हिस्सा देने को तैयार हूँ।

महोदय मैं पहले भी उपरोक्त समस्या के लिए आप समक्ष आई थी। लेकिन आप का कहना था कि यह पारिवारिक मामला है। इसको आप अपने घर ही निपटा लीजिए। लेकिन महोदय मेरी बड़ी पुत्रवधू और उसके बच्चे मेरी सुनने को तैयार ही नहीं हैं। इसलिए मैं आपसे दोबारा विनम्र प्रार्थना कर रही हूँ कि उपरोक्त समस्या को जल्द से जल्द निपटा जायें ताकि मैं अपना 43 गज का मकान बनवा सकूँ। मकान की इतनी ज्यादा हालात खराब हैं कि किसी भी समय कोई भी घटना या दुर्घटना घटित हो सकती है।

महोदय कृपया करके इस पर जल्द से जल्द कार्यवाही करें ।

आपकी अति कृपा होगी।

धन्यवाद

सलंगन : 1. पूर्व में दिए गए पत्र की छायाप्रति

प्रार्थिनी

रूप रानी

पत्नी स्व. श्री तिलक राज

निवासी-एक्स-16, नवीन

शाहदरा दिल्ली-32

मो: 9811636647”

Bare perusal of the letter dated 07.07.2017 shows that deceased plaintiff requested to concerned D.M. to ascertain the market value of the suit property and thereafter, she will give 1/5th share of the said amount to D-1 to D-3. The said letter further reflects that D-1 to D-3 are not adhering the request of deceased plaintiff No.1 and therefore, she further requested to decide the eviction petition No.07/2017 on merits. The letter dated 07.07.2017 does not reflect that deceased plaintiff No.1 voluntarily wants to give share in the suit property to D-1 to D-3. Moreover, after letter dated 07.07.2017, she pressed her petition before concerned D.M., Shahdara, Delhi and has not withdrawn the same. However, the aforesaid petition was dismissed vide order dated 16.03.2018 and thereafter, on 09.08.2018 deceased plaintiff no.1 along with other plaintiffs filed the present suit for possession against D-1 to D-3. The letter dated 07.07.2017 does not infer that deceased plaintiff was not aware of the contents of the Will. It is pertinent to mention here that deceased plaintiff No.1 during her lifetime, had hotly contested the present suit against D-1 to D-3.

Considering the factual matrix of the case, contentions of the application and its reply and contents of the letter dated 07.07.2017, this Court is of the considered opinion that the letter dated 07.07.2017, if taken on record, would not be of any assistance for this Court to decide the validity and genuineness of the Will dated 22.04.2017 and real controversy involved in the present suit, therefore, **the present application**

CS 749/18

ROOP RANI Vs. KAJAL CHANDOK AND OTHERS
- : 5 : -

under Order VIII Rule 3 r/w Section 151 CPC is hereby dismissed and accordingly disposed of.

As this Court has dismissed the application under Order VIII Rule 3 r/w Section 151 CPC, therefore, there would be no necessity to summon the concerned Officer from the Office of Deputy Commissioner, Nand Nagri, Delhi with the record of the original complaint dated 07.07.2017 filed by deceased plaintiff.

In view of the circumstances, the application under Section 151 CPC filed on 26.09.2025 is partly allowed.

D-1 to D-3 are directed to file evidence affidavit of Manish Chandok with respect to additional issue framed on 28.01.2025, within 15 days from today with an advance copy to plaintiffs.

Put up for DE on 20.02.2026.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
06.01.2026