

CS DJ ADJ 5366/16
KELA DEVI Vs. MAHESH KUMAR ORS.

09.07.2025

Present: None for Plaintiff.

Sh. Yashwant Gahlot, Ld. Counsel for Defendant
no.1.

Sh. Nitesh Kumar Singh, Ld. Counsel for Defendant
no.2 through VC alongwith Sh. Devender Singh, Ld.
Counsel with Defendant no.2 present physically in
court.

Defendant no.1 is present through VC.

There is an application filed on behalf of defendant
no.2 today under Order 16 Rule 2 of CPC for summoning one Ms.
Bala Devi (somewhere she is also mentioned as Bela Devi). In the
application, it is claimed in para 5 as follows:

*It is submitted that the Defendant No.2
is seeking permission of the Hon'ble Court to
summon Mrs. Bela Devi W/o Mr. Sunder
Singh R/o A-21, Indira Park, Behind Sia Baba
Mandir, Najafgard-110043 to verify the date
and year of purchase of the suit property as it
is the case of the Plaintiff that she is the
absolute owner of the suit property since the
year 2004, which is being denied by the
Defendant No.2.*

Defendant no.2 is now trying to say that the
documents dated 20.01.2004 were not executed by Bela Devi and
are forged and fabricated. However, in the entire WS, no such
avermment is present. Rather contents of para 7 of WS being
relevant are quoted for ease of reference:

*That soon after the marriage, the
answering defendant started residing with the*

Defendant No.1 at the shared household/family home namely C-193A, Jeevan Park, Pankha Road, Uttam Nagar, New Delhi-110059. To the best of her knowledge and information the said house at Jeevan Park stood in the name of Late Sh. Ghamlu Ram i.e. the husband of the Plaintiff and father of Defendant No.1 and 3. The said house at Jeevan Park was a shared household. The Plaintiff, Defendant No.1 and 3 and other family members sold the above house at Jeevan Park and purchased the present suit property. That number of times, the Defendant No.1 i.e. husband of the answering defendant had verbally told her out of love and respect they have purchased the suit property in the name of his mother i.e. Plaintiff and that he alongwith the Plaintiff and other legal heirs are equal share holders in the said suit property.

Therefore, once the execution of documents in the name of plaintiff is admitted and the defendant no.2 never raised any claim that the documents filed by the plaintiff are forged, the defendant no.2 cannot now be allowed, that too, after the conclusion of trial and, during the course of final arguments to seek summoning of the executor of the said documents to prove a case not pleaded in the WS.

Application therefore, has no merits and is dismissed without notice to the plaintiff.

List for final arguments on **22.07.2025**.

**(HARJYOT SINGH BHALLA)
DJ-03, SOUTH-WEST, DWARKA
NEW DELHI/ 09.07.2025**