

CS No. 17109/16

Asha Dixit vs. Pradeep Kumar Sharma & Anr.

13.08.2018

Present : Advocate Sh. Ajay Dabas for plaintiff.

Defendant no. 1 Sh. Pradeep Kumar Sharma.

Defendant no. 2 Sh. Sudhir Kumar Srivastava.

Be awaited for defendants' counsels.

(TARUN YOGESH)  
ADJ-03/Dwarka Courts  
New Delhi /13.08.2018

*At 2:20 PM*

Present : Advocate Sh. Ajay Dabas for plaintiff.

Advocate Sh. Bijender Singh along-with defendant no. 1  
Sh. Pradeep Kumar Sharma.

Advocate Sh. Jitender Chaudhary along-with defendant  
no. 2 Sh. Sudhir Kumar Srivastava.

Submissions heard.

Ld. counsel for plaintiff has adverted to paras no. 5 and 6 of the plaint read with copy of Will dated 02.11.1995 of Smt. Vyasa Devi and submits that other LRs of late Sh. Girdhari Lal had relinquished their right and interest in 7/8<sup>th</sup> share of property measuring 615 sq. yards bearing no. WZ-490, Gali No. 16, Sadh Nagar, Palam Colony, New Delhi in favour of Smt. Vyasa Devi whereas plaintiff Smt. Asha Dixit being daughter was entitled to her 1/8<sup>th</sup>

share in the property of her father.

Further, he has also referred to sub para (iv), para no. 6 of reply on merits in the earlier written statement filed by defendant no.1 Sh. Pardeep Kumar Sharma in Civil Suit No. 112/2009 wherein defendant no. 1 had asserted to have sold the property in favour of defendant no. 2 for pointing out inconsistency revealed from para no.4 of preliminary objection wherein defendant has insisted to have sold and handed over possession of property to defendant no. 2 on 14.02.2004 and para no. 7 of reply on merits wherein defendant Sh. Pardeep Kumar Sharma for the first time has averred of having sold 7/8<sup>th</sup> share of property bearing no. WZ-490, Gali No. 16, Sadh Nagar, Palam Colony, New Delhi to various people including defendant no. 2.

Advocate Sh. Jitender Chaudhary for defendant no. 2 submits that since application under Section 151 CPC has been filed by plaintiff seeking details of subsequent purchaser/ successor in interest so submissions, counter submissions and averments in the pleadings / written statement of defendant no. 1 may not be read against defendant no. 2 who is bonafide purchaser of property measuring approximately 336 sq. yards out of property measuring 615 sq. yards.

Having heard their rival submissions and perused copy of Will dated 02.11.1995, sale deed dated 27.10.2004 and written statement of defendant no. 1 filed in the earlier suit, it is evident that defendant no. 1 Sh. Pardeep Kumar Sharma has been inconsistently claiming about sale of property / 7/8<sup>th</sup> share in the property in favour of defendant no. 2 and in favour of various people including defendant no. 2.

Defendant no. 1, as such, is required to furnish correct particulars of all purchasers/ successors and their respective shares.

Plaintiff's application under Section 151 CPC is therefore allowed and defendant no. 1 is directed to furnish particulars of all subsequent purchasers/ successors and their respective shares on oath by way of affidavit.

Advance copy of affidavit furnishing aforesaid details be supplied to plaintiff's counsel two weeks prior to next date and matter is adjourned to **05.11.2018** for settlement of issues and further proceedings.

(TARUN YOGESH)  
ADJ-03/Dwarka Courts  
New Delhi /13.08.2018