

IN THE COURT OF SH. HARJYOT SINGH BHALLA
DISTRICT JUDGE-03, SOUTH-WEST DISTRICT
DWARKA COURTS, NEW DELHI

CS DJ 1224/2024

Neelam Kumari Vs. Narender Kumar & Ors

CNR No: DLST01-011780-2024

Ms. Neelam Kumari

W/o. Sh. Ram Kumar

R/o. H No.RZ-28, South Extn

Part I, Shukkar Bazar, Gali No.2

Uttam Nagar, New Delhi-110059

..... PLAINTIFF

Vs.

1. **Sh. Narendar Kumar**

S/o Sh. Mithan Lal

R/o. RZ-28, South Extn

Part I, Shukkar Bazar, Gali No.2

Uttam Nagar, New Delhi-110059

2. **Sh. Lalit Kumar**

S/o Sh. Mithan Lal

R/o. RZ-28, South Extn

Part I, Shukkar Bazar, Gali No.2

Uttam Nagar, New Delhi-110059

3. **Ms. Hema Lata**

D/o. Sh. Mithan Lal

Office of NK Electronics

25/4C, New Rohtak Road

Anand Parbat Indl. Area

Opposite Central Bank

New Delhi.

4. **Smt. Shanti Devi**

W/o. Sh. Suresh Kumar

R/o. H No.29/54, Gali No.11

60 Futa Road, Vishwas Nagar

Shahdara, Delhi

..... DEFENDANTS

Date of institution : 12.12.2024
Date of judgment : 25.05.2026

JUDGMENT (ORAL)

1. Vide this judgment, I shall dispose off the present suit for possession filed by the plaintiff under Section 6 of Specific Relief Act.

2. Briefly stated, it is the case of the plaintiff that the plaintiff was unlawfully dispossessed by the defendants, who are her siblings with an intent to sell the family property and the business of their father without the consent of plaintiff.

3. It is further stated that the plaintiff had been residing in the parental home i.e. Ground Floor of RZ-28 South Extension Part 1, Shukar Bazar, Gali No.2, Uttam Nagar, New Delhi (hereinafter referred to as suit property) since the year 2017 after being evicted from her matrimonial home, where she was residing with her minor daughter and was also taking care of her old ailing parents also until their death.

4. It is further stated that the defendants in connivance with each other had changed the lock of the room in possession of plaintiff at the ground floor and she had been kept under continuous hostile environment by changing the locks and denying her rightful access to the ground floor.

5. It is further stated that on 09.03.2017, her husband transferred the matrimonial house in the name of plaintiff, however, when she left for her parental house in the month of April to look after her ailing father, her husband and in-laws broke open the locks and threw her out of the matrimonial house.

6. It is further stated that as per Court Order dated 14.10.2019, she got back the possession of the said house, but since the basic necessities was deprived, she continued to reside in her parental home from where her daughter was got admitted to a school.

7. It is further stated that on 28.04.2024, someone entered the parental house of plaintiff and stole the water taps, water motor, electricity meter, furniture, utensils and other essential items regarding which a complaint was lodged with police, but no action was taken.

8. It is further stated that again on 02.06.2024, at about 7 O' Clock, someone again entered her house when she alongwith her daughter were at the market and stole the mobile phone, hand purse and 10th standard mark-sheet and despite lodging the complaint no action was taken by the concerned police officials.

9. It is further stated that the plaintiff was time and again restrained access to her house by the defendants and despite various complaints lodged in this regard from time to time, no action was taken by the police. Hence, the present suit.

10. Summons were sent to all the defendants and defendants were duly served. No written statement was filed on behalf of the defendants and vide order dated 21.07.2025, the defendants were proceeded with ex-parte.

11. Plaintiff examined herself as PW-1. She tendered her evidence by way of affidavit Ex.PW1/1. She relied upon the following documents:

1. Site Plan as Ex.PW1/A;

2. *Copy of domestic gas booklet, Indane consumer certificate copy along with the gas booking invoice messages as Ex.PW1/B (Colly) (OSR);*
3. *Court documents and legal notices supporting plaintiff's address as Ex.PW1/C (Colly) (OSR);*
4. *Affidavits dated 01.07.2021 as Ex.PW1/D;*
5. *Copy of ID card and performance report of Neelam Kumari's daughter for the years 2018-19, 2020-21, 2022-23 and 2024-25 as Ex.PW1/E (Colly) (OSR);*
6. *Copy of income certificate of Neelam Kumari till 01.11.2023 as Ex.PW1/F (OSR);*
7. *Copy of Labour Card of Neelam Kumari from 16.02.2021 to 16.02.2024 alongwith acknowledgment receipt for renewal as Ex.PW1/G (Colly) (OSR);*
8. *Passbook of Bank of India for account opened on 18.05.2010 as Ex.PW1/H (OSR);*
9. *Copy of Death Certificate of Sh. Mithan Lal as Ex.PW1/J;*
10. *Copy of Death Certificate of Smt. Kalawati Devi as Ex.PW1/K;*
11. *Photographs of plaintiff daughter's birthday celebration dated 10.03.2018 as Ex.PW1/L (Colly);*
12. *Copies of complaints dated 23.11.2023 and 24.11.2023 as Ex.PW1/M (Colly) (OSR);*
13. *Copy of FIR dated 28.04.2024 as Ex.PW1/O;*

14. Copies of the photographs taken by the plaintiff and her daughter on 27.04.2024 as Ex.PW1/P (Colly);

15. Complaint filed with SHO Bindapur PS dated 02.06.2024 as Ex.PW1/O (OSR);

16. Copies of SMS received in response to the calls made to 112 and 1091 on 02.06.2024 and 05.06.2024 as Ex.PW1/R (Colly) (OSR);

17. Videos dated 02.06.2024, 05.06.2024 and 12.06.2024 recorded by plaintiff and her daughter as Ex.PW1/S (Colly);

18. Copy of SMS received regarding calls made to 112 and 1091 on 23.06.2024 and 24.06.2024 as Ex.PW1/T (Colly);

19. Copy of complaint to SHO Bindapur PS dated 24.06.2024 as Ex.PW1/U (OSR);

20. Copy made to DCP, Sector-19, Police Station dated 25.06.2024 as Ex.PW1/V (OSR);

21. Copy of complaint to CP, Dabri Police Station dated 25.06.2024 as Ex.PW1/W (OSR);

22. Certificate under Section 63 of Bharatiya Sakshya Adhinyam as Ex.PW1/X;

23. Document on page no.76 i.e., account information of UCO Bank as Mark A;

24. Copy of PAN Card, Aadhar Card and Voter ID Card of Kalawati as Mark B (Colly);

25. Will of Mithalal alongwith Aadhar Card, PAN Card and Voter ID Card as Mark C (Colly);

26. Affidavit of Smt. Neelam Kumari dated 18.08.2017 as Mark D;

27. Affidavit of Smt. Neelam in support of the reply to application in RCA no.1/2020 as Mark E;

28. Affidavit of Smt. Neelam in support of the reply to appeal in RCA no.1/2020 as Mark F;

12. Vide order dated 20.04.2026, PE was closed.

13. The defendants being ex-parte, the testimony of the plaintiff has remained unchallenged and unrebutted. There is nothing to disbelieve the unrebutted testimony of the plaintiff or to doubt the authenticity of the documents and veracity of the document exhibited and proved on record. The defendants do not come forward to disprove the case of plaintiff.

14. The suit of the plaintiff is, therefore, decreed against the defendants and defendants, their legal heirs, friends, servants, associates, relatives, successors/successor in interest are restrained from conducting any activity, which will be an obstruction in peaceful enjoyment of the suit property. Costs are awarded to the plaintiff.

15. Decree sheet be drawn accordingly.

16. File be consigned to Record Room.

**Dictated in the open court
on 25.05.2026**

**HARJYOT SINGH BHALLA
DJ-03, SOUTH-WEST DWARKA COURTS
NEW DELHI**