

MCA DJ 03/2020
Kulbir Sahi Vs.
Union Of India & Anr.

27.10.2022

Present: Appellant Kulbir Sahi in person with Ld. Counsel Sh. Amod Sharma.
Sh. V.K. Rai and Sh. Ravi Ranjan, Ld. Counsels for R-1 Union of India, through Ministry of Railways.
Sh. Dharamveer Gupta, Ld. counsel for R-2 North DMC.

TCR perused.

Part final arguments heard on appeal from both sides.

1. Ld. Counsel for respondents have argued that the suit filed by plaintiff is itself not maintainable, being based on two contradictory legal status of plaintiff in respect of suit property. In the first paragraph of the plaint, the plaintiff has claimed to have become owner of suit property by way of adverse possession as against D-1 and D-2 since the year 1983.

2. On the other hand, plaintiff Kulbir Sahi wrote a letter dated 03/06/2019 to Executive Engineer (M)-II, North DMC, Karol Bagh Zone, New Delhi, claiming that he purchased the suit property in the year 1983 from its previous owner Smt. Numesh Kumar,

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through notarized affidavit dated 28/01/1983 and money receipt of the same date in the amount of Rs.2,000/-.

3. It is argued that plea of ownership by adverse possession can only be taken in defence; it cannot be used to institute a suit for declaration of ownership.

4. Secondly, it is argued that even the contradictory stand of plaintiff related to ownership on the basis of sale documents is not maintainable, being only based on a bare affidavit and money receipt.

5. Plaintiff has sought decree of declaration that he has attained ownership rights over suit property no.2087/B-2, Gali No.19, Prem Nagar, Delhi, by adverse possession. **Appellant to clearly state his legal standing vis a vis suit property on next date.**

6. Appellant to make submissions how the suit, and consequently, interim application for injunction are maintainable.

Put up for submissions/arguments on 09/02/2023.

**(VISHAL SINGH)
ADJ-03, WEST/DELHI
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