

CIV DJ 1041/2022
Shalu Sori Vs.
Vijay Kumar Sori

26.04.2025

Present: Sh. K.K. Srivastava and Ms. Lakshmi Gupta
 (proxy), Ld. Counsel for plaintiff.
 Sh. Shivam Jasra, Ld. Counsel for defendant
 (through VC).
 Sh. Vijay, Ld. LAC for applicant Ms. Usha Sagar.

Arguments heard on pending application of applicant Ms. Usha Sagar u/o I Rule 10 CPC.

Main contentions of the applicant are as follows- Late Sh. Kundan Lal Sori was owner of the property bearing no. 300, area ad-measuring 125 sq. yards, Block B-3, Paschim Vihar, Delhi-110063 (of which suit property is forming part). Since he had died intestate the aforesaid property devolved upon his six LR's (i) Smt. Shanti Devi (wife), (ii) Smt. Usha Sagar (daughter/ applicant), (iii) Sh. Vijay Kumar Sori, (iv) Sh. Yogendra Kumar Sori, (v) Sh. Gajendra Kumar Sori & (vi) Sh. Inder Kumar Sori (all sons). Other LR's of late Sh. Kundan Lal Sori in connivance with each other had prepared forged documents viz. Relinquishment deed, etc., in respect of the suit property with mala-fide intention to cheat the applicant. The applicant has filed suit against the other LR's having CIV DJ No. 1120/2022, titled 'Usha Sagar Vs. Shanti Devi & Ors.'. It is prayed that the applicant be impleaded as defendant in the present matter.

In reply to the application filed on behalf of the plaintiff, the afore-mentioned plea has been strongly opposed.

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Ld. Counsel for the defendants has also strongly opposed the afore-mentioned application by mainly contending that the applicant cannot become party in the present matter since she has already filed the aforesaid separate suit to claim requisite reliefs in respect of the aforesaid property.

The present suit has been filed by plaintiff Smt. Shalu Sori against D-1 Vijay Kumar Sori and D-2 Smt. Shanti Devi for claiming reliefs of possession, etc., as per provision u/s 6 of Specific Relief Act, in respect of property bearing no. 300, second floor, Block B-3, Paschim Vihar, Delhi-110063 (hereinafter referred to as Suit property). D-1 & D-2 are related to the plaintiff as brother-in-law (husband's brother) and mother-in-law, respectively. The case of the plaintiff is that she has become owner of the suit property after she has purchased the same from the D-2 vide registered sale deed dated 12.01.2005 and her grievance is that on 29.09.2022 the defendants along with other persons had wrongfully dispossessed her from the suit property after breaking open the locks thereof.

From the contentions made on behalf of the applicant Smt. Usha Sagar, it appears that she is still claiming herself to be one of the co-sharers in the property of which the suit property is forming part, on the premise that the property belonged to her late father Sh. Kundan Lal Sori and since he had died intestate, after his death she had acquired share therein. Among other documents copy of conveyance deed dated 22.04.2004 in favour of the D-2, is available on record, from which it is prima-facie appearing that by virtue of the same the D-2 has become exclusive owner of the aforesaid property. As

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aforementioned, the applicant has claimed that the other LR's have created forged documents viz. relinquishment deed, etc., in respect of the aforesaid property because of which her right has effected adversely. In such situation the appropriate remedy for her was to file a separate suit asking for requisite reliefs in respect of the aforesaid property and not to get herself impleaded as party in the present matter. As mentioned in the application and has also been highlighted by Ld. Counsel for the defendant, the applicant has already filed a separate suit CIV DJ No. 1120/2022 against the other LR's for asserting her right in the aforesaid property i.e. property of which the suit property is forming part, the court is of considered view that she is not required to be impleaded as a party in the present matter not being necessary or proper party.

In view of above discussion, the application under consideration is being dismissed being devoid of any merit.

Plaintiff and defendant to file affidavit of admission-denial of documents by NDOH with copy to respective opposite side.

Put up for admission-denial of documents and framing of issues on **04.07.2025**.

(GOPAL SINGH CHAUHAN)
DJ-03, WEST/DELHI
26.04.2025