

Civ DJ 1041/2022
Shalu Sori Vs.
Vijay Kumar Sori & Anr.

08.12.2022

Present: Sh. K.K. Srivastava, Ld. Counsel for plaintiff.

None for defendants despite repeated calls.

1. As per report, defendants Shanti Devi and Vijay Kumar Sori have been served with summons on 26/11/2022 but they have failed to appear before the Court in answer to the suit.

2. ASI Prakash Vir, IO of case FIR No. 818/2022 dated 30/09/2022, PS Paschim Vihar East, registered U/s. 448/451/34 IPC, is present on notice and orally submits that he has seen the registered Sale Deed dated 12/01/2005 executed by D-2 Smt. Shanti Devi in favour of plaintiff Ms. Shalu Sori. He submits that he has also seen the wrongfully registered Gift Deed dated 30/08/2022 executed by D-2 Smt. Shanti Devi in favour of D-1 Vijay Kumar Sori. He submits that he went to office of concerned Sub-Registrar for investigation but no satisfactory reply was given by office of Sub-Registrar regarding wrongful registration of Gift Deed dated 30/08/2022 in respect of the suit property, although, a prior Sale Deed dated 12/01/2005 is in existence in favour of the plaintiff in respect of same property.

3. Plaintiff has filed application under Order I Rule 10 CPC for impleadment of SHO PS Paschim Vihar East and Sub-Registrar-IIA, Punjabi Bagh, Delhi. The application is considered and allowed since impleadment of said public officials is deemed necessary for complete and effective adjudication of present suit.

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The amended memo of parties filed by plaintiff, be taken on record.

4. In continuation of order dated 29/11/2022 and in view of oral submissions of IO of case FIR No. 818/2022, PS Paschim Vihar East, the Court deems it very urgent and necessary to immediately protect the ownership and possessory interest of plaintiff in respect of suit property no.300, Second Floor, Block B-3, Paschim Vihar, New Delhi-63, measuring 125 sqr. yards.

5. The said property is conspicuously in wrongful possession of the defendants. As an urgent and necessary measure, the Court orders IO / SHO PS Paschim Vihar East to seal the suit property in respect of which case FIR No. 818/2022 dated 30/09/2022, PS Paschim Vihar East has been registered U/s. 448/451/34 IPC, **immediately on receipt of this order.** The occupant, if any, of the said property shall file objection, if any, in this Court but subject to further Court orders, the said property shall remain sealed. **Court notice be issued to IO/SHO PS Paschim Vihar East in this regard, for compliance. The copy of this order be attached with notice, for information and compliance by IO/SHO.**

6. **Issue Court notice to Sub-Registrar-IIA, Punjabi Bagh, Delhi, through SHO PS Paschim Vihar East, to appear in person and file written report how the wrongful**

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and illegal Gift Deed dated 30/08/2022 was registered in respect of the suit property no.300, Second Floor, Block B-3, Paschim Vihar, New Delhi-63, measuring 125 sqr. yards, although, a prior Sale Deed dated 12/01/2005 is in existence in favour of the plaintiff in respect of same property. The photocopies of registered Gift Deed dated 30/08/2022 and registered Sale Deed dated 12/01/2005 be attached with notice.

Put up for appearance of Sub-Registrar-IIA, Punjabi Bagh, on 05/01/2023.

However, SHO PS Paschim Vihar East, shall furnish compliance report on or before 19/12/2022.

Copy of this order be given dasti to Ld. Counsel for plaintiff, as prayed for.

Put up on 05/01/2023.

**(VISHAL SINGH)
ADJ-03, WEST/DELHI
08.12.2022**