

**IN THE COURT OF VIKAS VERMA, CIVIL JUDGE (JUNIOR
DIVISION), (UID No. HR-0553) PANIPAT.**

CIS No. : CS-1757-2021

Civil Case No. : 483-2021

Date of Institution : 30.11.2021

Date of Decision : 06.07.2026

1. Sudesh Tyagi son of Shri Tara Chand Tyagi resident of Village Barana, Tehsil and District Panipat, at present resident of Gali No.3, B-Block, Baba Colony, Burari, North Delhi.
2. Lucky Tyagi
3. Deepak Tyagi sons of Parmesh Tyagi son of Shri Tara Chand Tyagi, both residents of Village Barana, Tehsil and District Panipat, at present resident of B-3293, Gali No.85, Sant Nagar, Badarpur Majra, Burari, North Delhi.

.....Plaintiffs.

Versus

Smt. Resham Tyagi widow of Shri Dinesh son of Shri Tara Chand Tyagi, resident of Village Barana, Tehsil and District Panipat, at present wife of Shri Vinod Tyagi son of Shri Ramphal Tyagi, resident of Pardhanvas Mohalla, Village Gannaur, Tehsil Gannaur, District Sonapat.

..... Defendant.

**SUIT FOR DECLARATION WITH CONSEQUENTIAL RELIEF
OF PERMANENT INJUNCTION.**

Present: Shri Vinay Gautam, Advocate for plaintiffs.
Shri Jasvinder Singh, Advocate for defendant.

JUDGMENT:

1. The plaintiffs have filed the present suit requesting for granting of a decree of declaration with consequential relief of permanent injunction thereof.

(Vikas Verma),
CJ(JD), Panipat,
UID: HR0553 Date: 06.07.2026

Plaintiffs' case in plaint: -

2. The facts as averred by the plaintiffs in their plaint are that the plaintiffs are residing at their above said respective addresses. The plaintiffs are peace loving and law abiding citizen of India. That the plaintiff no.1 is Devar of defendant and the plaintiffs no.2 & 3 are nephews (sons of Jeth) of the defendant. That Sh. Tara Chand son of Sh. Tungal who was the father in law of defendant, father of plaintiff no.1 and grand father of plaintiffs no.2 & 3. Sh. Tungal was owner in possession of his ancestral properties situated in village Barana Tehsil and Distt. Panipat as fully detailed in the headnote of the plaint as well as in the Jambandi for the year 2019-2020. Sh.Tungal was having five sons namely (i) Rajesh (2) Parmesh (father of plaintiff no.2&3), (3) Sudesh Tyagi (plaintiff no.1), (4) Dinesh (husband of defendant), (5) Brijesh died unmarried & issueless) and one daughter namely Lalita. That the marriage of Dinesh son of Tara chand was performed with the defendant. Dinesh and defendant consummated the marriage with each other as husband and wife out of this wedlock one son namely Umesh alias Bobby was born out on 14.3.1997, but unfortunately Dinesh expired on 31.12.1996 while Umesh alias Bobby was in the womb of her mother i.e. defendant, by leaving behind the defendant as his wife. The defendant gave birth to Umesh alias Boby on 14.3.1997 and thereafter the defendant left Umesh alias Boby with his uncles namely Sudesh (plaintiff no.1), Parmesh (father of plaintiffs no.2 & 3) and grand father late Sh. Tara Chand when Umesh was only about 8 months old and the defendant solemnized her second

marriage with Sh. Vinod Tyagi son of Ram Phal resident of village Gannaur Tehsil Gannaur Distt. Sonapat in the year 1997 and since then the defendant is living with her new husband and her children who were born out from the wedlock of defendant and Vinod Tyagi. The defendant after performing her second marriage with Sh. Vinod Tyagi never visited the house of plaintiffs to see Umesh alias bobby and she has finished her all the relations with Umesh alias Bobby. After performing second marriage, the defendant has no right in the property of deceased Dinesh as well as in the property of Umesh alias Bobby. That thereafter on 25.3.2020 Sh. Umesh @ Bobby son of late Sh. Dinesh was expired. After the death of the deceased Umesh alias Bobby, the defendant in collusion with the revenue authorities of Distt. Panipat succeeded in getting the mutation of inheritance bearing no.3152 entered and sanctioned in her favour illegally by taking the benefit of widow of deceased Dinesh. The mutation No.3152 has been entered and sanctioned wrongly in favour of defendant to the extent of 130/1861 share of Umesh alias Bobby, hence the alleged mutation is not maintainable and same is liable to be set aside. That the plaintiffs are in peaceful cultivating possession over the suit property to the extent of share of deceased Umesh alias Bobby since November 1997 when the defendant left Umesh alias bobby with the plaintiffs without any interference of any body else. The plaintiff spent huge amount on the education of Umesh alias bobby upto 12th class, as well on his diet, clothing, brought up, care and protection etc. and also spent huge amount on his last rites. That on 22.10.2021 the plaintiffs received summons of a

civil suit No.1537/2021 titled as Lalita etc. Vs. Resham Tyagi etc. and then the plaintiffs made enquiry from the revenue record and came to know that the inheritance mutation No.3152 has been wrongly entered and sanctioned in favour of the defendant, whereas the mutation should be entered and sanctioned in favour of the plaintiffs to the extent of 130/1861 share of deceased Umesh alias Bobby in the ancestral land fully mentioned above. That thereafter the plaintiff obtained the certified copy of the mutation no.3152 on dated 26.11.2021 and requested the defendant to get set aside the impugned mutation no. 3152 from her name and to get entered and sanctioned the same in favour of the plaintiffs, but the plaintiff did not pay any heed on the request of the plaintiffs. Thereafter on 27.11.2021 the plaintiffs convened a biradari panchayat and requested the defendant to get set aside the above said mutation from her name, but the defendant in collusion with her new husband Sh. Vinod Tyagi who is employed as ASI in police department flatly refused to get set aside the above said mutation in her name and also threatened to alienated the suit property by taking the undue benefit of mutation no.3152 in her name to some muscle-men by way of sale, mortgage transfer or in any manner whatsoever and also threatened to dispossess the plaintiffs from the land of the share of Umesh alias Bobby forcibly and illegally as and when found suitable opportunity. The plaintiff have no other alternate remedy except to approach before this Hon'ble court. Hence this suit. That no other suit of similar nature for declaration and permanent injunction is pending in any court of law in India earlier between both the parties to the

suit regarding the suit property. That the cause of action arose in favour of the plaintiffs and against the defendant firstly on 22.10.2021 when the plaintiffs received the notice in another case, secondly on 26.11.2021 when the plaintiffs obtained the certified copy of the mutation no.3152 and requested the defendant to get set aside the mutation no.3152 from her name and finally on 27.11.2021 when the defendant flatly refused to admit the genuine claim and request of the plaintiffs and threatened to alienate the suit property and also threatened to dispossess the plaintiffs from the suit property forcibly and illegally as and when found suitable opportunity and same is continuing one. That the suit property is situated at village Barana Tehsil and Distt. Panipat, which falls within the jurisdiction of this Ld. court hence this Ld. Court has got jurisdiction to try and decide the present suit. That the value of the suit for the purposes of court fee and jurisdiction is assessed Rs.200/- and a fixed court fee of Rs.50/- has been affixed with the plaint. It is therefore prayed that a decree for declaration to the effect that the inheritance mutation bearing no.3152 dated 11.9.2021 entered and sanctioned in favour of defendant regarding 130/1861 share of deceased Umesh @ Bobby son of late Sh. Dinesh son of Tara Chand son of Tungal out of the agriculture land measuring 57K-6M comprised in khewat No.134//125 (old khewat 125//116) Khatoni no.187 (old khatoni no.178), Rect. no.35, killa no.6/3(1-2), 14/10 (0-2); khewat no.135//126/1) (old No.126//116 min), khatoni no.188 (old 179), Rect. no.25, killa no.3(7-7), 4(7-0), khatoni no.136//126/2 khatoni no.189 Rect. no.32 killa no.12/2(4-16) Rect. no. 45, killa no.1(7-8), khewat no.137//126/3, khatoni

no.190 Rect.no.32 killa no.19(8-0), khewat no.138//126/4, khatoni no.191, Rect. no.18 killa no.23/2 (3-11), 24(8-0), Rect.no. 23 killa no.2/1(2-18), khatoni no.191, 192 Rect. no.22 killa no.4/2 (3-12), 5min (2-4), 6/3(2-0), 7(8-0), Rect. no.32 killa no.18(8-0), khatoni no.193, Rect. no.20 killa no.22 (5-5), khatoni no.194 Rect. no.22 killa no. 5min (5-16), khatoni no.195 Rect. no.23 killa no.1(8-0), total land 57K-6M, situated at village Barana Tehsil and Distt. Panipat vide jamabandi for the year 2019-2020, are illegal, null and void, abinitio and are not binding upon the rights of the plaintiffs as same has been obtained by playing fraud with the revenue officials and to declare that the plaintiffs are owners in possession of 130/1861 share, in equal shares, left by deceased Sh. Umesh @ Bobby son of Dinesh son of Sh. Tara Chand in the above mentioned land, situated within the revenue estate of village Barana Tehsil and Distt. Panipat, with the consequential relief of permanent injunction restraining the defendant from alienating the share/suit property left by deceased Sh. Umesh @ Bobby, by way of sale, mortgage, lease, gift or in any manner whatsoever and also restraining from making any interference in the peaceful cultivating possession of the plaintiffs and also restraining from dispossessing the plaintiffs from the suit property forcibly and illegally till the final decision of the present suit, as fully detailed in the headnote of the plaint may kindly be passed in favour of the plaintiffs and against the defendant with costs. Any other relief to which the plaintiffs are found entitled to may also be awarded in favour of the plaintiffs and against the defendant.

Defendant's defense in Written Statement: -

3. Notice of this suit was served upon the defendant. Upon notice defendant appeared before the court and had filed her written statement whereby he rebutted the present suit of the plaintiff by taking preliminary objections that the suit filed by the plaintiffs is not maintainable in the present form. That the plaintiffs have no locus standi to file and maintain the present suit. That the plaintiffs are estopped from filing the present suit by their own act and conduct. That the plaintiffs have not come to the Hon'ble court with clean hands and have concealed true and material facts from the Hon'ble court, hence they are not entitled for the relief sought in the present suit. That the suit property inherited by the defendant after the death of her son Umesh @ Bobby being a natural mother and class one legal heir as per the Hindu Succession Act and plaintiffs have no right, title or interest to challenge the ownership on the basis of mutation of inheritance in favour of defendant and now the defendant is owner in possession over the suit property being a co-sharer and using her share as per her requirement. That after the death of Umesh @ Bobby, defendant has received property left by Umesh @ Bobby by way of inheritance, as such now the plaintiffs and defendant are co-sharer in the suit property as per their share and no suit for permanent injunction is maintainable against the other co-sharer, however efficacious remedy of partition are available to the plaintiffs and other co-sharer, as such present suit is not maintainable and liable to be dismissed with heavy costs. That no cause of action ever accrued to the plaintiffs to file the present suit

against the defendant. That the present suit has been filed by the plaintiffs on the ground of fraud and misrepresentation, but no particular of alleged fraud and misrepresentation have been given in the entire plaint, without which the plea of fraud and misrepresentation cannot be gone into. That the suit is not properly valued for the purpose of court fee and jurisdiction. That the present suit is an abuse process of law and the same have been filed with a view to harm, harass and to cause wrongful loss to the defendant and to extract money from the defendant under the pressure of present suit. That the suit filed by plaintiffs is bad for non-joinder and mis-joinder of necessary parties, hence liable to be dismissed. That the plaintiffs intentionally and deliberately dragged the defendant and his property into frivolous litigation by abusing the process of the court by filing the present false and frivolous suit and he is deriving benefit for filing the present suit by using illegal method and a party can not be allowed to take any benefit of his own wrong and litigation should not be permitted to turn into a fruit full industry, so that the unscrupulous litigants are encouraged to invoke jurisdiction of the court. It is the bounded duty and obligation of the court to neutralise any unjust enrichment and underserved gain made by any party by invoking the jurisdiction of the court intentionally and deliberately. **On merits**, defendant stated that plaintiffs are very clever and cunning person, who want to blackmail the defendant by way of filing false and frivolous suit. That defendant is mother of Umesh @ Bobby and wife of deceased Dinesh Son of Tara Chand, who has expired on 14.03.1997. It is wrong to allege

that the defendant left Umesh @ Bobby when he was 8 months old and solemnized second marriage with Vinod Tyagi son of Ramphal in the year 1997 and since then residing with her new husband and her children who were born from the wedlock of defendant and Vinod Tyagi. It is wrong to allege that defendant never visited at the house of Tara Chand to see Umesh @ Bobby. It is also wrong to allege that she has finished her all the relations with Umesh @ Bobby after performing second marriage. It is submitted that defendant and deceased Umesh @ Bobby had full love and affection with each other, even during the last stage of his life, defendant was looking after Umesh @ Bobby and last rites were also performed by the defendant, but now plaintiffs in collusion with other legal heirs of Tara Chand are bent upon to usurp the valuable property of the defendant, which has been left by Umesh @ Bobby after his death. It is wrong to allege that after the death of Umesh @ Bobby defendant in collusion with the revenue authorities of District Panipat succeeded in getting the mutation of inheritance bearing no.3152 in her favour illegally by taking the benefit of widow of deceased Dinesh. It is also wrong to allege that mutation no.3152 has been entered and sanctioned wrongly in favour of defendant to the extent of 130/1861 share of Umesh @ Bobby. It is also wrong to allege that the mutation is not maintainable and same is liable to be set-aside. It is submitted that after the death of Umesh @ Bobby, revenue authorities have rightly entered and sanctioned mutation of inheritance bearing no.3152 in favour of defendant after proper verification and as per law. It is necessary to submit that before the

revenue authorities also, plaintiffs in collusion with the other land grabbers have created unnecessary obstacles in the mutation no.3152 in favour of defendant. It is wrong to allege that the plaintiffs are in peaceful cultivating possession over the suit property to the extent of share of deceased Umesh @ Bobby since November, 1997 when defendant left Umesh @ Bobby with the plaintiffs without interference of anybody else. It is necessary to submit here that Umesh @ Bobby had received suit property from his grand father Tara Chand son of Tungal vide Will bearing Vasika no.417 dated 17.12.2009 after his death on 09.03.2016, so how can plaintiffs were possession on the share of Umesh @ Bobby since 1997, as at that time, he was not owner of the suit property, which proves the present suit has been filed on the false and frivolous facts by concealing true and material facts from the Hon'ble court. It is wrong to allege that the plaintiffs spent huge amount on the education of Umesh @ Bobby as well as his diet, clothing, brought-up, care and protection etc. It is also wrong to allege that plaintiffs spent huge amount on his last rites. However last rites and other liabilities was born by the defendant being a natural mother of deceased Umesh @ Bobby. It is wrong to allege that on 22.10.2021 the plaintiffs received summons of civil suit no.1537/2021 titled as "Lalita V/s Resham Tyagi & others" and then the plaintiffs made enquiry from the revenue record and came to know that the inheritance mutation no.3152 has been wrongly entered and sanctioned in favour of defendant. It is submitted that civil suit no.1537/2021 have been got filed by the plaintiffs in collusion with the plaintiffs of civil suit no.1537/2021,

but the plaintiffs pleaded this para on wrong facts, which is not admissible in the eyes of law. It is also wrong to allege that mutation should have been entered and sanctioned in favour of plaintiffs to the extent of 130/1861 share of deceased Umesh @ Bobby in the ancestral land fully mentioned above. It is wrong to allege that plaintiffs after obtaining the certified copy of mutation no.3152 on dated 26.11.2021 and requested the defendant to get set-aside the impugned mutation no.3152 from her name and get entered and sanctioned in favour of plaintiffs. It is also wrong to allege that on 27.11.2021 the plaintiffs convened a Biradari Panchayat and requested the defendant to get set-aside the mutation. It is also wrong to allege that defendant in collusion with her husband Vinod Tyagi who is employed as an ASI in the police department flatly refused to get set-aside the mutation. It is also wrong to allege that the defendant threatened to alienate the suit property by taking undue benefit of mutation no.3152 in her name to some muscle-men by way of sale, mortgage and transfer or also dispossess the plaintiffs from the land of the share of Umesh @ Bobby forcibly and illegally as and when found suitable opportunity. It is submitted that the plaintiffs have no right, title or interest or possession on the share of Umesh @ Bobby, because now the defendant is owner in possession in the suit property being a natural mother of deceased Umesh @ Bobby and co-sharer in the khewat, as such question of possession under the plaintiffs never arise at all. Even a co-sharer cannot claim injunction against the co-sharer, as such suit of the plaintiffs is liable to be dismissed. A another civil suit no.1537/2021 have been got filed by the plaintiffs

against the defendant, which is pending in the court of Sh. Harleen Pal Singh, Ld.C.J.(J.D.), Panipat, but plaintiffs have included with the legal heir of Tara Chand are bent upon to harm and harass to the defendant with a view to cause undue loss to the answering defendant. No cause of action as alleged ever accrued to the plaintiffs against the answering defendant. The averments of the para under reply are nothing, but bundle of lies, based upon concocted version made-up by the plaintiffs with ulterior motive to file the present suit on false and frivolous grounds with ulterior motive to harass and humiliate the defendant. The Hon'ble court has got no jurisdiction to try and decide the present case, as such present suit is liable to be dismissed. No advalorem court fee has been affixed with the plaint, because suit property has value of more than 2 Crore, but court fee has been assessed for the purpose of court fee and jurisdiction for Rs.200/- and court fee of Rs.50/- has been affixed with the plaint. It is, respectfully, prayed that the plaintiff's suit be dismissed with heavy costs, in the interest of equity and natural justice.

Issues for Adjudication: -

4. In the wake of pleadings of the parties, issues were framed on 17.01.2023, by the Court of Ms. Sushma-I, the then learned CJ(JD), Panipat and subsequently issues were reframed by the court of undersigned vide order dated 06.07.2026. The following issues were framed:

1. Whether the plaintiffs are entitled for Decree for Declaration to the effect that the inheritance mutation

bearing No. 3152 dated 11.09.2021 entered and sanctioned in favour of defendant regarding 130/1861 share of deceased Umesh @ Bobby son of late Sh. Dinesh son of Tara Chand son of Tungal out of agriculture land mentioned in the head note of the plaint as prayed for? OPP.

2. Whether the plaintiffs are entitled for Decree for Permanent Injunction restraining the defendant from alienating the share/suit property left by deceased Sh. Umesh @ Bobby by way of sale, mortgage, lease gift, or in any manner whatsoever and also restraining from making any inheritance in the peaceful cultivating possession of the plaintiffs and also restraining from dispossessing the plaintiffs from the suit property forcibly and illegally till the final decision as prayed for? OPP.
3. Whether the present suit is not maintainable ?OPD.
4. Whether the plaintiffs have no locus standi to file the present suit ? OPD
5. Whether the plaintiffs have concealed true and material fact from this court? OPD.
6. Whether the suit of plaintiffs is bad for non-joinder & mis-joinder of the necessary parties?OPD
7. Whether the plaintiffs have not been properly valued the suit for the purpose of court fees and jurisdiction? OPD.
8. Whether the plaintiffs are estopped from filing the present suit by his own act and conduct? OPD.
9. Relief

Plaintiffs' Evidence: -

5. Thereafter, the plaintiffs were called upon to lead their evidence and the plaintiffs in order to prove the case, have adduced following evidences:

Oral Evidence: -

PW1	Sudesh Tyagi
PW2	Lucky Tyagi
PW3	Deepak Tyagi

Documentary Evidence: -

Ex.P1	Attested copy of mutation no.3152
Ex.P2	Attested copy of mutation no.3152
Mark PA	Photocopy of Jamabandi for year 2019-20

Following this, evidence of plaintiffs was closed by Court's order vide order dated 07.08.2025.

Defendant's Evidence: -

6. Thereafter, in order to rebut the evidence of the plaintiffs, the defendant has adduced the following evidences:-

Oral Evidence: -

DW1	Resham Tyagi
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No document is tendered on record by defendant. Thereafter, oral evidence on behalf of defendant was closed by Court's order vide order dated 09.12.2025 and documentary evidence on behalf of defendant was closed by Court's order vide order dated 10.02.2026.

7. No rebuttal evidence was led on record by the learned counsel for the plaintiffs and thereafter the rebuttal evidence was closed

by Court's order dated 09.04.2026 Thereafter, the case was fixed for arguments.

Observations and discussion of evidences: -

8. The Court has heard Shri Vinay Gautam, Advocate, learned counsel for the plaintiffs and Shri Jasvinder Singh, Advocate for defendant, and has perused the record of the case very carefully with their able assistance. Issue-wise findings along with reasons thereof are as follows: -

Issues No. 1 and 2: -

1. Whether the plaintiffs are entitled for Decree for Declaration to the effect that the inheritance mutation bearing No. 3152 dated 11.09.2021 entered and sanctioned in favour of defendant regarding 130/1861 share of deceased Umesh @ Bobby son of late Sh. Dinesh son of Tara Chand son of Tungal out of agriculture land mentioned in the head note of the plaint as prayed for? OPP.
2. Whether the plaintiffs are entitled for Decree for Permanent Injunction restraining the defendant from alienating the share/suit property left by deceased Sh. Umesh @ Bobby by way of sale, mortgage, lease gift, or in any manner whatsoever and also restraining from making any inheritance in the peaceful cultivating possession of the plaintiffs and also restraining from dispossessing the plaintiffs from the suit property forcibly and illegally till the final decision as prayed for? OPP.

9. The burden of proving these issues is upon the plaintiffs. The plaintiffs in order to discharge the said burden in their favour has examined **three** witnesses. It would not be out of the place to give brief resume of the witnesses examined by the plaintiff.

(i) The plaintiffs in order to prove their case, first of all got examined Sudesh Tyagi (plaintiff no.1) as PW1, and in his examination in chief he tendered his duly sworn affidavit i.e., Ex.PW1/A,

vide which he reiterated the contents of the plaint in toto, as have been discussed in detail in Para no. 2 of this judgment and are therefore, not repeated here again for the sake of brevity. Further PW1 tendered documents Ex.P1 and Ex.P2 and Mark PA on record (Ex.P2 objected to on mode of proof by learned counsel for defendant). Further he was cross-examined by the learned counsel for the defendant wherein he stated that Resham was wife of Dinesh. Dinesh was son of Tara. Tara's father was Tungal. From marriage of Dinesh and Resham, one child Bobby@ umesh was born. It is correct that Dinesh, Tara and Tungal and Bobby @ umesh all had died. It is correct that defendant is mother of Bobby @ Umesh. It is correct that by mutation no. 3152, the name of Resham had been inducted in records, which was of Bobby @ Umesh on 11.09.2021. Bobby@ Umesh had 1/3rd share of land. It was 19 kanal land. I do not know whether mutation no. 3152 is of Inheritance or otherwise. Self stated that it had been wrongly entered as Defendant had entered into second marriage. Bobby @ Umesh was unmarried and had not child. After death of Umesh @ bobby, we are the legal heirs. Self stated that my father had not given any land in Will to Resham. I am uncle of Bobby @ Umesh and for same reason, I am his lawful legal heir. When Bobby @ Umesh was alive, he was lawfully owner of about 6 kanal land. I never moved any application to any Tehsildar for entry of mutation no. 3152. I had filed the present case directly in court. Resham had got done fraud and got enters her name via mutation. It is correct that I had not made any revenue

official party in present case. Rest all the suggestions put to PW1 was denied by her.

(ii) Thereafter, plaintiffs in order to prove their case got examined Lucky Tyagi (plaintiff no.2) as PW2, and in his examination in chief he tendered his duly sworn affidavit i.e., Ex.PW2/A, vide which he reiterated the contents of the plaint in toto, as have been discussed in detail in Para no. 2 of this judgment and are therefore, not repeated here again for the sake of brevity. Further he was cross-examined by the learned counsel for the defendant wherein he stated that I and plaintiff reside in Delhi for last 30 years. Plaintiff no. 3 is also residing for last 30 years in Delhi and he is my real brother. Dinesh got married with Resham. Umesh was born to them. I do not remember when did Dinesh passed away but he is dead now. Umesh had died and he was unmarried and none of the plaintiffs had done farming ever. Umesh got the land by way of Will from my grand father. I do not remember as to how much land was owned by Umesh when he was alive. Our father's land had not been mutated in our names till date. My father passed away on 20.06.2021. the mutation no. 3152 had been wrongly entered and the complaint given in police was returned to us. We had filed appeal against this mutation no. 3152 in Court at Panipat. Umesh studied till 12th in Delhi itself. We give our land on lease to villagers and we do not cultivate ourselves. My Aunt had also filed a case. It is correct that defendant's name had been mentioned in revenue record by way of mutation of inheritance. It is correct that no

revenue authority was made party in this case. Rest all the suggestions put to PW2 was denied by him.

(iii) Thereafter, plaintiffs in order to prove their case got examined Deepak Tyagi (plaintiff no.3) as PW3, and in his examination in chief he tendered his duly sworn affidavit i.e., Ex.PW3/A, vide which he reiterated the contents of the plaint in toto, as have been discussed in detail in Para no. 2 of this judgment and are therefore, not repeated here again for the sake of brevity. Further he was cross-examined by the learned counsel for the defendant wherein he stated that I have done Diploma in Electronics and communication. I am residing in Delhi for last 35 years. Dinesh was my uncle and he died within 6-7 months of his marriage and Umesh was born to him. Umesh passed away in 2020. He was unmarried. My father Parmesh Tyagi also died in June 2021. Firstly the property will devolve on our mother and then to us. I do not know as to how much property was owned by my father and how much is inherited by my mother. Defendant received land via mutation no. 3152 which was of Umesh. I do not know how much land did Umesh owned in his lifetime. This case has been filed by us to take our share in Bobby @ Umesh property as we had raised him since he was of 6 yrs. Defendant left him and had remarried. We had not given on file any record to show that we had taken care of Umesh and had incurred any expenses for the same. I do not remember whether any application against the mutation no. 3152 had been given to DC Panipat or other revenue official or not. We have issue in giving land of Umesh to Defendant and one other case has

also been filed by our aunts for said property. Umesh did not execute any will or transfer deed during his lifetime in our favor. Rest all the suggestions put to PW3 was denied by him.

10. Thereafter, in order to rebut the evidence so brought on record by the plaintiffs, the defendant has examined only one witness. It would not be out of the place to give brief resume of the witnesses examined by the defendant:

(i) The defendant got examined herself as DW1, and in her examination in chief she tendered her duly sworn affidavit i.e., Ex.DW1/A, vide which she reiterated the contents of the written statement in toto, as have been discussed in detail in Para no. 3 of this judgment and are therefore, not repeated here again for the sake of brevity. Further, she was cross-examined by the learned counsel for the plaintiffs wherein she stated that I have studied till 5th class. I had been married for last 30 years. My father in law has 5 sons and one daughter. At the time of second marriage, my earlier mother in law (from first marriage) has already passed away. My son Umesh remained in Brana during his lifetime. He used to visit Burari. Tarachand did three Wills. I do not know whether three Wills are on case file or not. I am in cultivating possession of my land from the time I became its owner. It is wrong to say that I am not legal heir of property of Umesh. All other suggestions put to her were denied specifically by DW1 *in toto*.

Findings of the Court: -

11. Both the learned counsels argued vehemently. Hence, after the careful scrutiny of the evidence brought on record by the plaintiff and defendant in the present case, this Court is of the confirmed and considered view that the plaintiffs have failed to discharge the burden of proving the above-mentioned issues no. 1 and 2 in their favor. Ld. Counsel for the plaintiffs had argued that the plaintiffs by getting examined PW1 to PW3, on record and by tendering documents as Ex. P1 & Ex. P2 had been able to prove that plaintiffs are entitled to reliefs sought in plaint i.e.,

“a decree for declaration to the effect that the inheritance mutation bearing no.3152 dated 11.9.2021 entered and sanctioned in favour of defendant regarding 130/1861 share of deceased Umesh @ Bobby son of late Sh. Dinesh son of Tara Chand son of Tungal out of the agriculture land measuring 57K-6M comprised in khewat No.134//125 (old khewat 125//116) Khatoni no.187 (old khatoni no.178), Rect. no.35, killa no.6/3(1-2), 14/10 (0-2); khewat no.135//126/1) (old No.126//116 min), khatoni no.188 (old 179), Rect. no.25, killa no.3(7-7), 4(7-0), khatoni no.136//126/2 khatoni no.189 Rect. no.32 killa no.12/2(4-16) Rect. no. 45, killa no.1(7-8), khewat no.137//126/3, khatoni no.190 Rect.no.32 killa no.19(8-0), khewat no.138//126/4, khatoni no.191, Rect. no.18 killa no.23/2 (3-11), 24(8-0), Rect.no. 23 killa no.2/1(2-18), khatoni no.191, 192 Rect. no.22 killa no.4/2 (3-12), 5min (2-4), 6/3(2-0), 7(8-0), Rect. no.32 killa no.18(8-0), khatoni no.193, Rect. no.20 killa no.22 (5-5), khatoni no.194 Rect. no.22 killa no. 5min (5-16), khatoni no.195 Rect. no.23 killa no.1(8-0), total land 57K-6M, situated at village Barana Tehsil

and Distt. Panipat vide jamabandi for the year 2019-2020, are illegal, null and void, abinitio and are not binding upon the rights of the plaintiffs as same has been obtained by playing fraud with the revenue officials and to declare that the plaintiffs are owners in possession of 130/1861 share, in equal shares, left by deceased Sh. Umesh @ Bobby son of Dinesh son of Sh. Tara Chand in the above mentioned land, situated within the revenue estate of village Barana Tehsil and Distt. Panipat, with the consequential relief of permanent injunction restraining the defendant from alienating the share/suit property left by deceased Sh. Umesh @ Bobby, by way of sale, mortgage, lease, gift or in any manner whatsoever and also restraining from making any interference in the peaceful cultivating possession of the plaintiffs and also restraining from dispossessing the plaintiffs from the suit property forcibly and illegally till the final decision of the present suit, as fully detailed in the headnote of the plaint may kindly be passed in favour of the plaintiffs and against the defendant with costs. Any other relief to which the plaintiffs are found entitled to may also be awarded in favour of the plaintiffs and against the defendant.”

12. Further argued that the suit land was ancestral land in hands of deceased Umesh and that defendant remarried as she left Umesh when he was 8 months old and that Umesh was raised by plaintiffs, and for such reasons the mutation Ex. P1 entered on the basis of inheritance had been wrongly entered and fraud had been committed by defendant in connivance with revenue authorities. However, such contention of fraud

remained not proved by plaintiffs. No cogent proof of any kind of fraud committed by Defendant on revenue authorities had been proved on record by plaintiffs. Not even a single proof of such alleged fraud had been placed on record. Merely arguing heavily that defendant did not take care of Umesh and that she remarried second time would not disentitle her from succeeding to the estate of deceased son Umesh as she is the class-1 heir of deceased Umesh, who died while he was unmarried and who died intestate. As per S. 14 of Hindu Succession Act, 1956 also, as soon as the property is received by Defendant from her deceased son Umesh vide Ex. P1, she became its absolute owner as per law and her subsequent marriage does not disentitle her legally from holding such property of her predeceased son Umesh.

13. Furthermore, the plaintiffs have failed to prove on record by cogent and reliable evidences that they are in possession of the suit land as mentioned in the head-note of plaint. No Khasra Girdawari or any kind of revenue record or any other record had been filed and proved on record by plaintiffs to prove their possession on suit land. Further, DW1 herself stated in her cross-examination that she is in cultivating possession of the suit property since the time Ex. P1 was sanctioned in her name. That Plaintiffs did not file any document on record in rebuttal evidence of such oral testimony of DW1 to prove their exclusive possession over suit land. Therefore, it means that at present the plaintiffs are not having the possession over suit land as claimed by them in the plaint. Even the plaintiffs had not sought the relief of possession and that relief could only

be sought by way of seeking partition of the joint estate of which the suit land in a part.

14. Hence, in consonance with the foregoing discussion, and keeping in view the arguments and the documents so placed on record, this Court is of the considered view that the plaintiffs have failed to stand on their own legs in the present case and have failed to discharge the burden of proving the abovementioned issues no. 1 and 2 in their favour and therefore the same are decided against the plaintiffs.

Issues No: 3 to 8:

3. Whether the present suit is not maintainable ?OPD.
4. Whether the plaintiffs have no locus standi to file the present suit ? OPD
5. Whether the plaintiffs have concealed true and material fact from this court? OPD.
6. Whether the suit of plaintiffs is bad for non-joinder & mis-joinder of the necessary parties?OPD
7. Whether the plaintiffs have not been properly valued the suit for the purpose of court fees and jurisdiction?OPD.
8. Whether the plaintiffs are estopped from filing the present suit by his own act and conduct? OPD..

15. Burden of proving these issues was upon the defendant. However, during the course of arguments these issues were not pressed upon by the learned counsel for the defendant. Hence, these issues are hereby disposed of being not pressed.

RELIEF: -

Conclusion: - Dismissed with costs

16. As a sequel to this Court's findings as discussed in detail above, the suit of the plaintiffs fails and same stands dismissed with costs.

Decree sheet be prepared accordingly and file after completion of all the necessary formalities be consigned to the record room.

Announced in open Court
Dated: 06.07.2026

(Vikas Verma)
Civil Judge (Jr. Divn.)
(UID NO. HR-0553)
Panipat, 06.07.2026

Note: All the twenty four (24) pages of this judgment have been dictated, checked and signed by me.

(Vikas Verma)
Civil Judge (Jr. Divn.)
(UID NO. HR-0553)
Panipat, 06.07.2026

Typed by
Yogesh, Stenographer Gr. III

(Vikas Verma),
CJ(JD), Panipat,
UID: HR0553 Date: 06.07.2026