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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RSA 7/2021 & CM APPL. 2466/2021**

NAND LAL RAI

.....Appellant

Through: Mr.V.K.Garg, Sr. Advocate with
Mr.S.B. Pandey, Mr. K.S. Rekhi,
Mr.Parv Garg and Mr.Pawas
Kulshrestha, Advocates

versus

SHIVJI RAI (DIED) THR. LR. JAGMOTI SINGH AND ORS.

.....Respondents

Through: Mr.Vijay K.Singh and Ms.Aanchal
Gupta, Advocates

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

27.02.2025

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1. Mr.V.K. Garg, learned senior counsel for the appellant has argued at length and has taken the attention of this Court to the pleadings and the judgments passed by the learned Trial Court and the learned First Appellate Court.
2. After hearing the arguments advanced by learned senior counsel and on perusal of the record, the Court is of the considered view that present appeal deserves to be heard and the substantial questions of law, as been proposed by the appellant are framed as under:-
 - i. In view of dispute of title of the Plaintiff to the Suit Property, whether a suit for recovery of possession and permanent injunction is maintainable in the absence of a relief for declaration?
 - ii. Whether in a suit for possession of immovable property,



Plaintiff is obliged to establish its title to the immovable property?

- iii. Is it obligatory on the part of the first appellate court to deal with each of the specific question of facts and law, raised by the respective parties before it and record a finding thereon?
- iv. Whether the documents claimed by the Respondent as the documents of title in his favour, are hit by section 8(2) of Notaries Act 1952 and the Rules 1956 framed there under?
- v. Whether in absence of a proper and complete description of the immovable property as to its boundaries and number, a suit for possession would be barred under Order VII Rule 3?"

- 3. List on 13.08.2025 for final hearing.
- 4. Since there are substantial questions of law, the proceedings before the learned Executing Court, if any, are stayed till the disposal of the present appeal.
- 5. Both parties are directed to file brief written submissions not exceeding five pages [*with reference to the PDF page number of the digital record of the Court*] along with relevant judgments [*with an index of the specific paragraphs of the said decision and the corresponding proposition of law, to be relied on*] on the merits of the appeal within four weeks with a copy to the opposite party at least one week in advance of the next date of hearing.

DINESH KUMAR SHARMA, J

FEBRUARY 27, 2025

Dy/ht..