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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.R.P. 81/2026, CM APPL. 18917/2026 (Stay) & CM APPL.
18918/2026

MOHD. AQIL @ KALIA

.....Petitioner

Through: Mr. Ajit Nair, Mr. Satvik Tripathi,
Ms. Jyoti Singh, Advocates.

versus

MOHD. ASLAM & ORS.

.....Respondents

Through: Mohd. Shahrukh, Advocate for
R2-R8.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **25.03.2026**

CM APPL. 18919/2026 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

C.R.P. 81/2026, CM APPL. 18917/2026 (Stay) and CM APPL. 18918/2026 (condonation of delay of 405 days in filing the present petition)

1. This petition has been filed assailing the order dated 13th November 2024, rejecting the application under *Order VII Rule 11* of the Code of Civil Procedure, 1908 ('*CPC*') filed by the petitioner [*defendant*] in the suit for partition filed by respondent no.1 [*plaintiff*].
2. This partition suit was filed by respondent no.1/plaintiff, claiming that the ownership of the suit property bearing no. *IX/ 750, Motor Market, Jama Masjid, Delhi 110006* admeasuring around 1200 sq. yds., was co-owned by respondent no.1/plaintiff. Though no title documents



have been placed on record to assert the cause of action; the only basis was that, in a civil suit filed in 1986 by *Mohd. Yamin*, father of petitioner and respondent nos.2-8 (*being siblings who are in ownership and possession of the property*), it was stated that property was co-owned by *Mohd. Yasin* (father of respondent no.1) along with others.

3. *Mr. Ajit Nair*, counsel for petitioner, places reliance on the decision of the Supreme Court in *Avtar Singh & Ors. v. Gurdial Singh & Ors.* (2006) 12 SCC 552 particularly in *paragraph no. 8*, and on the decision passed by this Court in *Mr. Puneet Kumar Anand v. Pishori Lal (Deceased) Thr Lrs.* 2024:DHC:10057, particularly in *paragraph no.34*, asserting the point that mere admission does not create title. Relevant paragraph of *Avtar Singh & Ors. v. Gurdial Singh & Ors.* (*supra*) is extracted as under:

“8. Admission, it is well known, forms the best evidence. It may be that admission does not create any title, but nature of the land can form subject-matter of admission.”

4. It was submitted that respondent no.1 in the plaint has not asserted title based on any title document except for a mere admission in 1986 suit. Accordingly, the application under *Order VII Rule 11* CPC ought to have been accepted rather than been dismissed by the Trial Court.

5. Accordingly, Issue Notice to respondent no.1 on steps being taken by petitioner through all permissible modes including e-mail, etc.

6. Respondent nos.2-8 are represented through counsel, who supports petitioner's case, being brothers in ownership and possession, and the notice is accepted by *Mohd. Shahrukh*, Advocate on behalf of



them.

7. In the meantime, the Trial Court shall defer the matter to a date after the next date scheduled before this Court.
8. List on 27th August 2026.
9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 25, 2026/ak/tk