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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 113/2020
SUBHASH

..... Appellant

Through : Mr.Aditya Gaur, Advocate.

versus

RANI DEVI & ORS

..... Respondents

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **17.02.2020**

CM APPL.No.6234/2020

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

RFA 113/2020 & CM APPL.No.6233/2020

This appeal is against the impugned judgment dated 31.10.2019 whereby the suit for possession and permanent injunction filed by the respondent against the appellant herein was decreed. It is stated respondents no.1 and 2 had sold the property to one Mr.Braham Prakash who is respondent no.3 herein on 09.05.2007 vide sale documents viz. GPA, agreement to sell etc. and then on 04.02.2008 Mr.Braham Prakash had sold the disputed property to the appellant herein.

Though in his plaint the respondents had admitted in an earlier civil suit 114/2012 the respondents no.1 and 2 herein had referred to the written statement filed by the SHO, PS Bhalswa Dairy as also of the appellant, wherein it was alleged the appellant had sold the

subject property to Mr.Braham Prakash/respondent no.3 herein on 09.05.2007 and then sold it on 04.02.2008 to the appellant herein. The SHO, PS Bhalswa Dairy in his written statement has alleged the thumb impressions and finger impressions of respondents no.1 and 2 were sent to the experts alongwith the thumb impressions on the sale documents dated 09.05.2007 and the experts opinion was the thumb impression of respondents no.1 and 2 were same as on the sale documents dated 09.05.2007. It is argued the learned Trial Court had ignored this important aspect.

Issue notice to the respondents through all modes returnable on 24.08.2020 and in the meanwhile status quo qua *possession* of the property be maintained by the parties till the next date of hearing.

Compliance of Order XXXIX Rule 3 of the CPC be made within ten days from today.

Order *dasti*.

YOGESH KHANNA, J.

FEBRUARY 17, 2020

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