



\$~92

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.R.P. 118/2025 & CM APPL. 23639/2025**

SHAKUNTALA DEVI & ORS.

.....Petitioners

Through: Mr. Neeraj Malhotra, Sr. Adv. with Mr.
Ashish Aggarwal and Mr. Nimish
Kumar, Advs.

versus

MURTI DEVI & ORS.

.....Respondents

Through: Mr. Gaganmeet Singh Sachdeva, SC
for R-9.
Mr. Chetanya Puri, SPC for R-10.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

%

23.04.2025

CM APPL. 23641/2025 *[Exemption from filing typed copies]*

1. Allowed, subject to the Petitioners filing typed copies of the annexures within a period of three weeks.
2. The Application stands disposed of

CM APPL. 23640/2025 *[Exemption from filing certified copies]*

3. Allowed, subject to just exceptions.
4. The Application stands disposed of.

C.R.P. 118/2025 & CM APPL. 23639/2025*[Stay]*

5. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 (CPC) impugning the order dated 20.01.2025 [hereinafter referred to as "Impugned Order"] passed by the learned District Judge-02, North West, Rohini Courts, Delhi. By the Impugned Order, the Application under Order VII Rule 11 of the CPC filed by the Petitioners (Defendants before the learned Trial Court) has been dismissed.
6. Learned Senior Counsel for the Petitioners submits that he restricts his challenge in the present Petition to one aspect which that the village in which



the land which forms subject matter of the present Petition is situated, is urbanised and not agricultural land. He seeks to rely upon Annexure P-19 in this regard.

6.1 Learned Senior Counsel for the Petitioners further submits that the Impugned order seeks to refer upon “Khatoni” as a document evidencing title, however since the village is urbanized and the fact that Respondent Nos. 1 to 8 (Plaintiffs in the suit) have been unable to show any title, the Application under Order VII Rule 11 of CPC should have been allowed.

7. Prior to issuing Notice in the matter, this Court deems it expedient to hear the Respondents as well. For this purpose, let a complete set of paper book be supplied to the Respondents. A copy of the complete set of paper book be supplied to the learned Counsel who appeared on behalf of the Respondents before the learned Trial Court. An affidavit of service be filed within two weeks.

8. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

9. The parties shall also file their respective written synopsis, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon.

9.1 All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

10. List on 23.07.2025.

TARA VITASTA GANJU, J

APRIL 23, 2025/r

Click here to check corrigendum, if any