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

+ RFA 382/2025

LATE SHIV RAJ SINGH (THROUGH LRS)Appellant

Through: Counsel (appearance not given)
versus

SURESH KUMARRespondent

Through: Mr. N.C. Chauhan, Mr. Ram Prakash
and Mr. Gaurav Singh, Advocates
with respondent (in-person).

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **08.08.2025**

CM APPL. 25170/2025 (exemption)

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 25171/2025 (exemption from filing entire TCR)

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellant/applicant seeks exemption from filing the entire trial court record.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
4. The application stands disposed-of.



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5. By way of the present regular first appeal filed under section 96 read with Order XLI Rules 1 and 2 CPC, the appellant impugns final judgment and decree dated 27.02.2025 passed by the learned District Judge-03, South-East District, Saket Courts, New Delhi, in suit bearing CS DJ No.11103/2016.
6. Issue notice.
7. Mr. N.C. Chauhan, learned counsel appears on behalf of the respondent on advance copy; and accepts notice.
8. **Admit.**
9. No reply is required in the appeal.
10. Let the appeal be placed on the Regular Board, to be taken-up in due course, at its turn.

CM APPL. 25169/2025 (stay)

11. The appellant seeks stay of impugned judgment and decree dated 27.02.2025.
12. Issue notice.
13. Mr. Chauhan, learned counsel appearing on behalf of the respondent on advance copy; accepts notice; and seeks time to file reply.
14. Let reply to the CM APPL. No.25169/2025 be filed within 06 weeks; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
15. In the course of hearing, it transpires that the respondent's claim is based on a Relinquishment Deed dated 26.04.2011 executed *only* in favour of the respondent by 09 of the other co-owners. A copy of the relinquishment deed is however not on record.



16. Upon being queried, learned counsel appearing for the respondent submits, that the relinquishment deed, though registered, was not stamped on the *ad-valorem* value of the shares relinquished. He also confirms that the 09 co-owners had relinquished their respective shares *only* in favour of the respondent.
17. In the circumstances, on a *prima-facie* view of the matter, it would appear that the relinquishment deed was, as a matter of law, a gift or conveyance deed in view of the law enunciated by a Co-ordinate Bench of this court in ***Tripta Kaushik vs. Sub Registrar VI-A & Anr.***¹ However, since the relinquishment deed was admittedly not stamped on *ad-valorem* basis, the consequence of such deficiency in stamping is required to be considered.
18. In any event, learned counsel for the respondent submits that the respondent does not wish to upset the settled possession of the appellants, who are all his siblings. Learned counsel appearing for the appellant also concedes that they did not challenge the preliminary decree dated 07.11.2024 passed in the proceedings before the learned trial court.
19. In view thereof, it is directed that the effect and operation of the impugned judgment and decree dated 27.02.2025 shall remain *stayed*, till the next date of hearing before this court.
20. In the meantime, let a copy of the relinquishment deed be filed on record by the respondent; and the original deed be brought to court on the next date of hearing.

¹ 2020 SCC OnLine Del 2748



21. Re-notify on 07th November 2025 before the learned Joint-Registrar for completion of pleadings in this application.
22. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

AUGUST 8, 2025

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