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

+ RSA 69/2022 and CM APPL. 29386/2022

SMT.RANI

..... Appellant

Through: Mr. Sachin Sharma, Adv

versus

SH. RAM SARUP (SINCE DECEASED) THROUGH

LRS. SMT. KUSMA & ORS.

..... Respondents

Through: Mr. Anil Sehgal, Adv. with
Respondent 1 in person

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

15.04.2024

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1. The order dated 7 July 2022 passed by me in this case recognizes that in para 23 of the impugned order of the learned ADJ, there is *prima facie* fundamental error of law, in the finding of the learned ADJ that as there was a fiduciary relationship between Rani and her father Ram Sarup, the onus was on Rani to establish that the Sale Deed in question was not executed by fraud, undue influence or misrepresentation.

2. As such, for the present, the following substantial question of law is framed:

“Whether the learned ADJ was not in error in holding that, as there was a fiduciary relationship between Rani and her father Ram Sarup, burden was on Rani to initially establish that the Sale Deed executed by Ram Sarup in her favour, which was duly registered, was not executed by fraud or undue influence thereby requiring in the first instance to prove the negative?”



3. If any further substantial questions of law arise during the course of hearing, the Court shall frame them.
4. List for disposal of this appeal on 22 July 2024.
5. Interim orders to continue till the next date of hearing.
6. Both sides are directed to place on record short notes of their respective submissions not exceeding five pages each, after exchanging copies with each other at least a week in advance of the next date of hearing.

C.HARI SHANKAR, J

APRIL 15, 2024

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Click here to check corrigendum, if any