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

+ **CS(OS) 273/2025 & I.A. 11141-11142/2025**

PRABHA AGGARWAL THROUGH SPAPlaintiff

Through: Mr. S.C. Singhal, Adv.

versus

KAMRUDDIN & ORS.Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **05.05.2025**

I.A. 11142/2025 (for exemption)

1. Learned counsel for the plaintiff states that he seeks to withdraw this application since the original of all the documents sought to be relied upon are in plaintiff's possession.

2. Accordingly, the application is dismissed as withdrawn.

CS(OS) 273/2025

3. This is a suit filed for declaration and cancellation of the registered relinquishment deed dated 11.03.2025 ('impugned relinquishment deed') executed by defendant nos. 1, 2 and 3 in favour of defendant no. 4 in respect of the property in question i.e. Plot no. 56 Block-B, Sector-23, Pocket-IV, Dwarka Residential Scheme, Phase-II, situated at Dwarka, New Delhi ('suit property').

4. Let the plaint be registered as a suit. Summons be issued to the defendants by all permissible modes. Affidavit of service be filed within two

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(2) weeks.

5. The summons shall indicate that the written statement(s) must be filed within thirty (30) days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statement(s) shall not be taken on record.

6. The plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement(s). The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendant(s), failing which the replication shall not be taken on record.

7. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

8. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

9. List before the learned Joint Registrar (J) **15.07.2025**.

10. List before the Court on **24.09.2025**.

I.A. 11141/2025 (under Order XXXIX Rules 1 & 2 read with Section 151 Code of Civil Procedure, 1908 on behalf of the plaintiff)

11. This is an application filed by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC) seeking to restrain the defendants from causing any interference in possession of the plaintiff in respect of the suit property.

12. Learned counsel for the plaintiff states that the suit has been filed with respect to Plot no. 56, Block-B, Sector-23, Pocket-IV, Dwarka Residential Scheme, Phase-II, situated at Dwarka, New Delhi ('suit property').

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13. Learned counsel for the plaintiff states that the suit property was allotted by DDA to Smt. Haseena [mother of defendant nos. 1 to 4] in the year 2010; the possession was delivered to her on 08.06.2011 and thereafter, a perpetual lease deed was executed in her favour on 23.08.2011.

13.1. He states that late Smt. Haseena sold the plot to Smt. Anita Chopra, Smt. Suman Chopra and Smt. Neha Sahi (1st transfer).

13.2. He states that, thereafter, Smt. Neha Sahi transferred her undivided 1/3rd share in favour of Smt. Anita Chopra.

13.3. He states that in this manner, Smt. Anita Chopra and Smt. Suman Chopra became the absolute owners of the suit property.

13.4. He states that thereafter, Smt. Anita Chopra and Smt. Suman Chopra sold the suit property to Sh. Karan Verma and Smt. Shreya Arora vide registered Agreement to sell dated 26.03.2019 (2nd transfer).

13.5. He states that thereafter Karan Verma and Smt. Shreya Arora obtained conveyance deed dated 15.01.2020 from DDA.

13.6. He states that Sh. Karan Verma and Smt. Shreya Arora sold the said land vide sale deed dated 18.02.2021 for a valuable consideration of Rs. 2.75 crores to the plaintiff and handed over the possession as well to the plaintiff (3rd transfer).

13.7. He states that the plaintiff has since 18.02.2021 has been in uninterrupted and settled possession of the suit property.

13.8. He states that the plaintiff has in its possession all the original documents pertaining to the 1st, 2nd and 3rd transfer as well as the documents issued by DDA in favour of late Smt. Hasina including the conveyance deed.

13.9. He states that however, recently when the plaintiff was proposing to

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sell the suit property; upon a due diligence carried out by the prospective purchaser, the plaintiff learnt that the impugned relinquishment deed has been executed between defendant nos. 1 to 4.

13.10. He states that since late Smt. Haseena had already divested herself of her right, title and interest in the suit property in the year 2011 and had also parted with possession, therefore, the execution of the relinquishment deed is fraudulent and without any legal basis. He states that since the relinquishment deed creates a cloud on the title of the plaintiff the present suit has been filed.

14. Upon a pointed query put by this Court, learned counsel for the plaintiff, states that the suit property is a vacant plot of land which is bounded on all four (4) sides but there is no electric connection.

15. Issue notice to the Defendants through all modes.

16. On a prima facie consideration of facts placed on record and considering that all the documents relied upon by the plaintiff are all registered documents, this Court is of the opinion that the plaintiff has made out a prima facie case for interim orders. The balance of convenience lies in favour of the plaintiff, and there is likelihood of irreparable injury being caused to the plaintiff.

Accordingly, the defendants and more specifically defendant no. 4 are restrained from acting upon the impugned relinquishment deed dated 11.03.2025, from creating any third-party rights in the suit property and interfering with the possession of the plaintiff until the next date of hearing.

17. A copy of this order be sent to the concerned Sub-Registrar having jurisdiction over the suit property as well as a copy of this order be sent to the Registering Officer, South-West, Kapashera Delhi where the impugned

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relinquishment deed dated 11.03.2025 is registered.

18. Issue notice to Ms. Prabhsahay Kaur, Standing Counsel for Delhi Development Authority (DDA). In view of the facts pleaded and placed on record by the plaintiff, DDA is directed to carry out a verification of the original documents in possession of the plaintiff qua the suit property which have been executed by DDA in favour of late Smt. Haseena and Sh. Karan Verma, Smt. Shreya Arora. (refer para 13.08)

19. The counsel for the plaintiff is directed to correspond with Ms. Prabhsahay Kaur, learned standing counsel for DDA to fix a date before the competent officer in the office of the DDA before 31.05.2025 for carrying out verification of the documents filed by the plaintiff.

20. DDA is directed to have the verification report placed before this Court at least two (2) weeks prior to the next date of hearing.

21. List before the learned Joint Registrar (J) **15.07.2025**.

22. List before the Court on **24.09.2025**.

23. Provisions of Order XXXIX Rule 3 CPC compliance be done within one (1) week.

24. Reply within a period of four (4) weeks from the receipt of notice. Rejoinder, thereto, if any, be filed within four (4) weeks thereafter.

25. A copy of this order be sent to Mr. Sameer Vashisht, Standing Counsel (C) GNCTD for information and compliance of the aforesaid directions. (refer para 16 and 17).

26. A copy of the order be sent to Ms. Prabhsahay Kaur, Standing Counsel for DDA for information and compliance. (refer paras 18-20)

27. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated

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as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MAY 5, 2025/msh/ms

MANMEET PRITAM SINGH ARORA, J

[Click here to check corrigendum, if any](#)

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