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

+ **RSA 66/2020 and CM APPL. 24881-882/2020**

SHRI RAM CHARAN SINGH @ RAM CHARAN AZAD

(DECEASED THROUGH HIS LRs) Appellant

Through: Mr. Dinesh Garg, Advocate (M:
9811715205).

versus

SHRI RAM NIWAS & ANOTHER Respondents

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **05.10.2020**

1. This hearing has been held through video conferencing.

CM 24883/2020 (Delay)

2. Issue notice.

RSA 66/2020 and CM APPL. 24881-882/2020

3. The present regular second appeal has been filed challenging the impugned judgment dated 28th May, 2016, passed by the Ld. ASCJ (North East), Karkardooma Courts, New Delhi, dismissing the suit for possession filed by the Appellant/Plaintiff. The impugned judgment has also been upheld by the first Appellate Court, vide judgment dated 21st January, 2020, passed by the Ld. Additional District Judge, (North East), Karkardooma Courts.

4. The findings of the Trial Court, in the impugned judgment, on one hand, are that the Plaintiff has failed to establish the landlord-tenant



relationship. However, on the other hand, the claim of ownership of the Defendant No.1 has also been held against the said Defendant. Thus, the contention of Mr. Garg, ld. counsel for the Plaintiff/Appellant, is that once the ownership of Defendant No.1 is held against the Defendant no.1, the automatic effect would have been to decree the suit for possession as he was inducted by the Plaintiff/Appellant.

5. The question of law that has been raised in the present appeal inter alia, is whether under Section 32 of the Registration Act, 1908 the Vendees' signatures are required on the documents to prove ownership or not.

6. Issue notice. The Respondent No.1 and 2 be served, on their mobile number and e-mail, by the Registry and by the ld. counsel for the Plaintiff, as it is submitted that the counsel appearing for them in the Trial Court has recently passed away.

7. Let the electronic copy of the Trial Court records in suit no. 5270/2015, titled *Ram Charan Singh v. Ram Nivas and anr.*, and the Appellate Court Records in RCA No. 60/16, titled *Shri Ram Charan Singh (deceased) through LRs v. Shri Ram Nivas and Anr.*, be called for.

8. In the meantime, *status quo* would be maintained in respect of the title and possession of the suit. The ld. Counsel for the Plaintiff shall send a copy of today's order to the Respondents.

9. List on 14th December, 2020.

PRATHIBA M. SINGH, J.

OCTOBER 5, 2020
MR/Ak