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

+ CS(OS) 489/2023, I.A. 43732/2024, I.A. 3427/2025 & I.A. 8656/2025

SH ANIL KUMAR DAWRAPlaintiff
Through: Mr. Amit Gupta, Adv.

versus

SH SANJAY KUMAR & ORS.Defendants
Through: Mr. K. Venkatraman, Mr. Dinesh Chawla, Mr. Naveen Gupta and Ms. Sandhya Gupta, Advs. for D-1
Mr. Nipun Katyal, Ms. Anam Siddiqui and Mr. Mannan Sharma, Advs. for D-2 with Ms. Radhika Dawra (through vc)
Mr. Hamid Ali and Mr. Anam Khan, Advs. for LR's of D-3 with Anuradha Dawra in person
Mr. Peeyoosh Kalra and Mr. Yashwant Singh Baghel, Advs. for D-4

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **20.05.2025**

I.A. 43732/2024 (Application on behalf of LR(s) of Defendant No-3 under Order XXXIX Rule 4 read with Section 151 of CPC for vacating interim injunction order dated 18.03.2024 in respect of property of the Defendant No. 3)

1. The present application has been filed by the LR's of Defendant No. 3 under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 (CPC) for

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vacating the interim order dated 18.03.2024 in respect of property bearing no. B-163, Shivalik, Malviya Nagar, New Delhi admeasuring 200 Sq. Yds. ('Property No. B-163').

2. Learned counsel for the applicant/Defendant No. 3 states that the said Property No. B-163 is under the actual physical possession of the LR's of Defendant No. 3.

2.1. He states that late Sh. Vijay Kumar Dawra had in his favour Agreement to Sell ('ATS'), General Power of Attorney ('GPA') and other customary documents whereby he acquired the possessory title in Property No. B-163. He states that Property No. B-163 does not form part of the estate of late Sh. T.C. Dawra i.e., the father of Late Sh. Vijay Kumar Dawra.

3. Learned counsel for the Non-applicant/Plaintiff states that the Plaintiff is not admitting to the validity of the GPA, ATS and other customary documents being relied upon by the LR's of Defendant No.3.

3.1. He states that the Plaintiff has categorically denied the documents relied upon by the LR's of defendant no. 3 with respect to property no. B-163.

3.2. He states that the Plaintiff does not have in his possession any other documents to show that late Sh. T.C. Dawra was the owner of the Property No. B-163 or had any rights in the said property.

3.3. He states on instructions that the LR's of Defendant No. 3 are indeed in physical possession of Property No. B-163.

4. This Court has heard the submissions of the parties.

5. In view of the admitted fact that the LR's of Defendant No. 3 are in possession of Property No. B-163 and the only documents available on record qua Property No. B-163 are the documents produced by LR's of

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Defendant No. 3, which show that the documents stand in the name of late Sh. Vijay Kumar Dawra.

6. The Plaintiff has not placed on record any documents to show that the property belongs to late Sh. T.C. Dawra and is in fact, denying the documents produced by LR of Defendant No. 3 itself.

7. In these facts, no prima facie case is made out in favour of the Plaintiff with respect to the said suit property i.e., Property No. B-163, therefore, the interim order dated 18.03.2024 is hereby vacated qua Property No. B-163.

8. With the aforesaid directions, the present application stands disposed of.

I.A. 8656/2025 (Application under Order XXXIX Rule 4 read with Section 151 of CPC on behalf of the Defendant No. 1 praying to exclude the property bearing shop no. 9, RBI Enclave, Hauz Khas, Delhi from the scope of injunction order dated 18.03.2024)

9. The present application has been filed by Defendant No. 1 under Order XXXIX Rule 4 CPC to exclude the property at Shop No. 9, RBI Colony, Hauz Khas, New Delhi ('Hauz Khas property') from the scope of injunction order dated 18.03.2024. It is stated that Defendant No. 1 is the absolute owner of the Hauz Khas property and he relies upon the conveyance deed dated 02.09.2005.

10. Learned counsel for the Defendant No.1 states that the Plaintiff herein is a witness in the said conveyance deed dated 02.09.2005.

11. Learned counsel for the Non-applicant/Plaintiff states that it is the stand of the Plaintiff that the funds for purchase of Hauz Khas property were provided by late Sh. T.C. Dawra. He states that initially a lease deed for the

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Hauz Khas property was issued by the land-owning agency in 1987, when Defendant No. 1 was a minor. He states that it is therefore, apparent that the funds were provided by late Sh. T.C. Dawra for purchase of Hauz Khas property.

11.1. He states that it is a matter of record that the conveyance deed of 2005 stands in favour of Defendant No. 1.

11.2. He states that the Plaintiff is in possession of the Hauz Khas property, as Sh. Ravinder/Sh. R.B. Singh against whom the suit for eviction has been filed by Defendant No. 1 is an employee of the Plaintiff.

11.3. He states that Defendant No. 1 is seeking to evict the Plaintiff by seeking a decree of possession against Sh. R.B. Singh.

11.4. He states that he has placed before the District Court the documents along with his application (for impleadment), which show that he has been in possession of the Hauz Khas property.

12. Learned counsel for the Applicant/Defendant No. 1 states on instructions that the restriction imposed on the Plaintiff at paragraph '6.1' of the order dated 03.04.2025 be vacated and the Plaintiff's application seeking impleadment be decided by the District Court, in accordance with law.

13. Learned counsel for the Non-applicant/Plaintiff is agreeable to the same.

14. It is accordingly directed that paragraph 6.1 of the order dated 03.04.2025 is recalled and the impleadment application will be decided by the District Court on its own merits, in accordance with law.

15. Learned counsel for Applicant/Defendant No. 1 states that he will file his appropriate rejoinder to this application. Let the rejoinder be filed within four (4) weeks.

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16. List for hearing on **23.09.2025**.

I.A. 3427/2025 (Application on behalf of Defendant No. 1 u/s 151 of CPC seeking permission to reside in the joint family property)

17. All contesting parties are directed to file their replies within three (3) weeks.

CS(OS) 489/2023

18. List before the learned Joint Registrar (J) for completion of pleadings in pending applications on **23.07.2025**.

19. List before Court on **23.09.2025**.

MAY 20, 2025/msh

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any

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