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

+ **CS(OS) 352/2025**

SMT. SANTOSH DEVI & ORS.Plaintiffs

Through: **Mr. Ashish Gumber, Advocate.**

versus

SH. SHIV CHARAN & ORS.Defendants

Through: **Ms. Nitika Bhutani, panel counsel for
D-12/ GNCTD.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **27.08.2025**

I.A. 13508/2025 (u/s 80(2) of the CPC)

1. The present application has been filed under Section 80(2) of the Code of Civil Procedure, 1908 (hereinafter 'CPC') seeking exemption from effecting two months' prior notice upon the defendant no.12.
2. In view of the urgent relief and the nature of relief sought against the defendant no.12, the plaintiffs are exempted from effecting two months' prior notice under Section 80 of the CPC upon the defendant no.12.
3. The application stands disposed of.

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4. Let the plaint be registered as a suit.
5. Issue summons.
6. Summons be issued to the defendants through all permissible modes including email.
7. The summons shall state that the written statement(s) shall be filed by



the defendants within thirty (30) days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

8. Liberty is given to the plaintiffs to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication filed by the plaintiffs, affidavit(s) of admission/denial of the documents of the defendants be filed by the plaintiffs.

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

10. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

11. List before the Joint Registrar on 3rd November, 2025 for completion of service and pleadings.

12. List before the Court on 18th February, 2026.

I.A. 13506/2025 (O-XXXIX Rule 1 & 2 of the CPC)

13. The present suit has been filed seeking relief of declaration, possession and permanent injunction.

14. The present suit has been filed after withdrawal of the earlier suit being CS No. 58551/2016 filed before the Court of ASCJ, North-West Rohini Courts, Delhi with the liberty to file a fresh suit. It is the case of the plaintiffs that they are the legal representatives of the original owner of the suit property Sh. Mohinder Partap Singh who had filed the earlier suit.

15. The defendants no.3 and 4 are the legal heirs of the Sh. Raj Singh, who was the defendant no.3 in the earlier suit.

16. The defendants no.5, 6, and 7 are the legal heirs of late Sh. Jai



Prakash who was the defendant no.4 in the earlier suit.

17. The defendants no.8, 9, 10 and 11 were defendants no.5 to 8 in the earlier suit.

18. It is the case of the plaintiffs that their predecessor-in-interest, Sh. Mohinder Partap Singh purchased a land measuring 3 Bighas 15 Biswas comprised in Khasra No.688, village Alipur, Delhi *vide* registered Sale Deed dated 29th January, 1987.

19. During the consolidation proceedings in village Alipur in the year 1988, in lieu of the aforesaid land measuring 3 Bighas 15 Biswas, land measuring 3 Bighas and 15 Biswas was allotted in Khasra Nos.172 Min (0-17), 173 Min (0-4), 175 Min (1-3), 178 Min (1-11) in the extended Lal Dora of the village Alipur, Delhi to Late Sh. Mohinder Partap Singh (hereinafter 'suit property').

20. It is submitted that the suit property was illegally occupied by the defendants on the basis of forged and fabricated documents and therefore, Sh. Mohinder Partap Singh had filed the aforesaid civil suit.

21. In the written statement filed on behalf of the defendants in the said suit, it has been admitted that Sh. Mohinder Partap Singh was the original owner and was in possession of the suit property.

22. It is the case of the plaintiffs that the General Power of Attorney (hereinafter 'GPA') dated 8th January, 1996 allegedly executed by Sh. Mohinder Partap Singh in favour of Sh. Kartar Singh and relied upon by the defendants is a forged document. Further, the GPA dated 20th February, 1997 in favour of Sh. Rameshwar is also forged and fabricated by Sh. Raj Singh and Sh. Jai Prakash.

23. On the basis of the aforesaid forged and fabricated GPAs, a Sale Deed



was executed by Sh. Rameshwar in favour of Sh. Raj Singh on 2nd January, 2002.

24. Issue Notice.

25. Notice be issued to the defendants *via* all permissible modes, including e-mail.

26. Reply(ies) be filed within four (4) weeks.

27. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.

28. In view of the above, a *prima facie* case has been made out on behalf of the plaintiffs.

29. Balance of convenience is in favour of the plaintiffs and against the defendants and prejudice would be caused to the plaintiffs if any third-party right or interest is created in the suit property.

30. Accordingly, the defendants shall maintain *status quo* with regard to title and possession of the suit property till the next date of hearing.

31. Compliance under Order XXXIX Rule 3 of the CPC shall be done within a period of three (3) days from today.

32. List before the Joint Registrar on 3rd November, 2025 for completion of service and pleadings.

33. List before the Court on 18th February, 2026.

AMIT BANSAL, J

AUGUST 27, 2025

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