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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ RSA 71/2020

AJAY NARAIN SHARMA Appellant

Through: Mr. R.S. Kela, Adv. (M:9810241752)

versus

RAJ NARAIN SHARMA (DECEASED) THROUGH: L.RS.

& ORS.

..... Respondents

Through: Mr. Tarique Siddique & Mr. Ahmad
Shahrooz, Adv. for R-1(b) (M-
9873724006).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **17.12.2020**

1. This hearing has been done in physical Court.

CM APPL. 33376/2020 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM APPL. 33374/2020 (for delay)

3. For the reasons stated in the application, the delay in filing the appeal is condoned. Application is disposed of.

CM APPL. 33375/2020 (for stay)

4. No case is made out for stay at this point, as the final appeal is itself being heard. Accordingly, the application is dismissed.

CM APPL. 33377/2020 (for exemption)

5. The contesting Respondent is represented before this Court, and therefore exemption from advance service is granted. Let notice be issued to all other Respondents. All the other Respondents to be served on their mobile numbers through WhatsApp, by the Registry. Their mobile numbers are:

(i) Respondent No. 3 – Mr. Prakash Narain Sharma - 8920674107

(ii) Respondent No. 4 – Mr. Prem Narain Sharma - 9004203444



(iii) Respondent No. 8 – Mr. Suresh Narain Sharma -9868700259

(iv) Respondent No. 10 – Mr. Mukesh Narain – 9868822287

6. Application is disposed of.

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7. The present second appeal has been filed challenging the impugned judgement of the Appellate Court dated 19th February, 2020, passed by Ld. ADJ- 07, Central District, Tis Hazari Courts in ***RCA No. 31/2016***, titled ***Suresh Narain Sharma v. Mahesh Narain Sharma and ors.***, arising out of the judgment and decree passed by the Trial Court dated 20th September, 2014 and 21st October, 2014.

8. This appeal relates to property bearing old Municipal No. 867, comprising of a Temple (Now 2354), a shop-cum-Baithak (new No. 2353), and another shop (New No. 2355) with adjoining residential house bearing Old Municipal No. 868 (New No. 2484) in Dharampura, Naiwara, Delhi -6 (*hereinafter, “suit property”*). Originally, there were two suits for declaration and injunction filed by the Plaintiff, which were both dismissed. However, in one of the appeals, the Appellate Court has modified the decree passed by the Trial Court. The same is under challenge in this second appeal.

9. Arguments have been heard in part on the question of whether any substantial question of law arises in this second appeal.

10. It is submitted by Mr. Kela, Id. counsel for the Appellants, that another second appeal has also been filed. Let the said second appeal be cleared by the Registry and be listed along with the present appeal on the next date of hearing. List for further hearing, at the end of board, on 12th February, 2021.

PRATHIBA M. SINGH, J

DECEMBER 17, 2020/Rahul/Ak