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

+ **CS(OS) 457/2020 and I.A. 7088/2023, 24128/2023, 3243/2024**

MS. ARUN SAINI @ GUDDI

(NEE ARUN BALA JAIN)

..... Plaintiff

Through: Mr. Barun Kumar Sinha, Advocate
With Mrs. Pratibha Sinha and Mr.
Sneh Vardhan Advs. (M:
9711401792).

versus

SHRI NIRMAL KUMAR JAIN & ANR.

..... Defendants

Through: Ms. Leena Tuteja Adv. alongwith
Ms. Ishita Kadyan and Ms. Ishita
Prakash Advs. for D-1 (M:
9999505508).
Ms. Suruchi Mittal Adv. for D-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **23.04.2024**

1. This hearing has been done through hybrid mode.
2. The present suit has been filed by the Plaintiff seeking a decree of partition, rendition of account and permanent and mandatory injunction against the Defendants in respect of the suit property bearing 'No.B-220, Saraswati Vihar, Pitampura, Delhi', which was stated to purchased and owned by Late Girdhari Lal Jain, father of the Plaintiff- eldest daughter and the two Defendant Nos 1&2-middle and youngest son respectively. According to the Defendant No. 1, the suit property has been sold by the late father to Defendant No. 1 by a registered sale deed dated 19th August, 2005.



I.A. 24128/2023 (u/O VII Rule 11 CPC) in CS(OS) 457/2020 and I.A. 7088/2023, 3243/2024

3. This is an application by Defendant No. 1 under Order VII Rule 11 CPC seeking rejection of the plaint, on the ground that the present suit is not maintainable. The late father had sold the suit property prior to his demise, and sale deed dated 19th August, 2005 has already been executed in favour of Defendant No. 1.

4. Ld. Counsel for the Plaintiff submits that the said document/sale deed is forged and a fabricated document, as the signatures of the late father on the sale deed do not match the signatures on the conveyance deed executed in favour of the father by the DDA. Further, as noticed vide order dated 24th December, 2020, the sale consideration is paltry, considering the area of the suit property.

5. Admittedly, the Defendant No. 1 is in possession of the original documents i.e. the conveyance deed as also the sale deed. Let both the originals be produced before the Court on the next date of hearing. Inspection shall also be conducted before the Id. Joint Registrar on 11th July, 2024.

6. Upon the originals being produced, colored copies may be made, given to the Plaintiff, and also filed in the Court.

7. List before the Court on 28th August, 2024.

PRATHIBA M. SINGH, J

APRIL 23, 2024

mr/dn