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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1262/2025**

JASWINDER SINGH BILLA ALIAS BILLEY SHAH MALANG
THROUGH LRS (SUKHI SHAH) & ORS.Petitioner

Through: Mr. Vivek Narayan Sharma, Ms.
Shruti Priya Mishra, Mr. Adhiraj
Wadhera and Ms. Mahima Bhardwaj
Kalucha, Advocates.

versus

SMT CHANDER MOHINI

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **17.07.2025**

CM APPL. 42188/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

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1. Petitioners is defending a suit for possession, permanent injunction and recovery of arrears of rents.
2. The defendant in his written statement, claimed that the property in question had been gifted to his daughter by virtue of a *gift deed* and other documents and, therefore, he was justified his occupying the abovesaid property.
3. However, when the issues were framed by the learned Trial Court on 26.05.2023, in view of the stand taken by the defendant, the learned Trial Court directed the defendant to lead his evidence first, in the above suit.
4. The petitioner i.e. defendant moved an application under Section 151 CPC seeking clarification with respect to the issues framed by the Court and had also asserted that the plaintiff should be asked to lead his evidence first.

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5. His such application has been dismissed by the learned Trial Court on 24.03.2025.
6. Such orders are under challenge.
7. Learned counsel for the defendant submits that, though he had mentioned about the *gift deed* in his written statement, but when a replication was filed by the plaintiff, she herself claimed that such *gift deed* had, rather, been cancelled. According to learned counsel for defendant, plaintiff on a false pretext, took defendant and her daughter to Sub-Registrar office contending that the *gift deed* would be registered, but on the other hand, the *gift deed* was got cancelled on 08.03.2017.
8. He submits that in view of the abovesaid specific stand taken by the plaintiff, there was no requirement of shifting the onus of leading evidence first on to the defendant.
9. Issue notice to the respondent through all permissible modes, returnable on 20.11.2025. Notice be also issued through counsel.
10. Learned Trial Court is requested to defer the recording of evidence to a date subsequent to the one given by this Court.
11. A copy of this order be given *dasti* under the signatures of Court Master.

MANOJ JAIN, J

JULY 17, 2025/ss/pb