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

+ **RFA 468/2024, CM APPL. 43421/2024**

JAI PARKASH

.....Appellant

Through: Mr.Rajesh Bhatia, Advocate

versus

RANI

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **31.07.2024**

CM APPL. 43421/2024*[Exemption from filing fair/true/typed copy of dimmed/hand written/highlighted/less margin annexure]*

1. Allowed, subject to the Appellant filing fair, typed copy of dim, hand written documents and annexures within four weeks.
2. The Application is disposed of accordingly.

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3. The present Appeal impugns the Judgment dated 30.04.2024 passed by learned District Judge-04, North District Rohini Courts, Delhi in CS No. 58313/2016, whereby the suit filed by the Appellant/Plaintiff for recovery of possession, damages/mesne profit and consequential relief of permanent injunction, was dismissed.
4. The primary contention of the Appellant is that the Appellant is the owner of the property at House No. 138, B-Block, Gali No. 2, 25 Futa Road, Shani Bazar, Amrit Vihar, Burari, Delhi falling in Khasra No.39/5, measuring 150 sq. yards, out of total land of 2 Bighas [hereinafter referred to



as ‘subject property’], and was purchased by him from a Company called M/s Premium Electronic and Finance Pvt. Ltd. through a General Power of Attorney [GPA] Agreement to Sell and Affidavit all dated 18.07.1990.

5. Learned Counsel for the Appellant further submits that it was the case of the Respondent/Defendant that the Respondent/Defendant had purchased the property after paying consideration to the Company M/s Premium Electronic and Finance Pvt. Ltd. through a property agent called Shubham Property. However, it is contended that the Respondent/Defendant has also relied upon a GPA which was executed in her favour by the Appellant to submit that property was transferred by the Appellant, although Appellant has denied signatures on these documents.

5.1 It is the contention of the Appellant that the contradictions in the evidence were not dealt with by the learned Trial Court.

6. The matter requires examination.

7. Issue Notice.

7.1 On steps being taken, let Notice be served on the Respondent *via* all modes. *Dasti* as well. An Affidavit of service be filed within a week.

8. Counter Affidavit be filed within a period of four weeks.

8.1 Rejoinder, if any, be filed within a period of two weeks thereafter.

9. List before the concerned Registrar on 24.10.2024.

TARA VITASTA GANJU, J

JULY 31, 2024

g.joshi

Click here to check corrigendum, if any