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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 1059/2019**
USHA SINHA

Through: Mr.Arvind Minocha, Mr.Smashar Singh, Advocates. Appellant

versus

SUDHAKAR PRASAD SINGH & ORS

Through: None. Respondents

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
% **13.12.2019**
CM APPL No.53546/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL No.53543/2019

In view of the reasons explained in the application the requisitioning of TCR is dispensed with at this stage.

The application stands disposed of.

RFA 1059/2019

This appeal is against the impugned judgment dated 02.11.2019 whereby the suit for declaration, permanent injunction, confirmation of possession and for recovery of rental income of Rs.6,37,226/- filed by the plaintiff/appellant herein was dismissed.

It is submitted the learned Trial Court dismissed the suit holding it beyond limitation in view of a letter dated 09.03.1988

issued by the appellant herein to the builder of Ashok Bhawan, no.28, Nehru Place, Delhi-110019, wherein the appellant had purchased an office flat in her name, requesting the builders to transfer the said flat to her brother (though not real) namely Mr.Sudhakar Prasad Singh of Muzzafarpur, Bihar. It is the contention of the appellant it was her mere wish and no consideration passed nor any documents of transfer was ever executed by her in favour of Mr.Sudhakar Prasad Singh, yet on the basis of limitation the learned Trial Court had non-suited the appellant. Reference to para no.30 of the impugned judgment is made in this regard.

Issue notice to the respondents through all modes returnable on 23.04.2020 and in the meanwhile the status quo qua the *title* and *possession* of the subject property be maintained till the next date of hearing.

Compliance of Order XXXIX Rule 3 CPC be made within ten days from today.

Order *dasti*.

YOGESH KHANNA, J.

DECEMBER 13, 2019

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