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

+ RFA 683/2022 with CM APPLs. 56582-86/2022

SHABANA KHATOON & ANR. Appellants
Through: Mr. Neeraj Kumar and
Mr. R.K. Sharma, Advocates.

versus

PRATIBHA SINGH Respondent
Through: None.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

% **ORDER**
23.12.2022

[Physical Hearing/ Hybrid Hearing]

CM APPL. 56585/2022

1. The present is an application under Order 22 Rule 6 CPC for exemption from filing the original decree.
2. With the direction to the appellant to file the original decree within a period of four weeks, exemption is allowed and application is disposed of accordingly.

CM APPL. 56582/2022

3. The present is an application filed under Section 151 CPC for exemption from filing the certified copies of all annexures.
4. Recording the undertaking on behalf of the appellants that the defects shall be cured within a period of four weeks, the exemption is allowed and application is disposed of accordingly.



CM APPL. 56583/2022 and CM APPL. 56586/2022

5. The aforesaid applications have been filed for condonation of delay in filing and re-filing the appeal, respectively. As per the applications, there is a delay of 75 days in filing the appeal and 21 days in re-filing the appeal.

6. Issue notice to the respondents.

7. Let reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

RFA 683/2022 with CM APPL. 56584/2022

8. The present appeal has been filed challenging the judgment and decree dated 13.05.2022 passed by the Court of learned ADJ-02 (East) Karkardooma Courts, Delhi in Civil Suit No. 54/2018.

9. It is the case on behalf of the appellants that appellant no. 1 purchased the property bearing No. 11/265, 1st floor, Trilokpur, Delhi – 110091 in instalments for Rs.13 lakhs. It is submitted that respondent, in a fraudulent manner, made two affidavits dated 30.01.2015. In one affidavit, the respondent stated that she had sold the property to the appellant, while in the other affidavit, she stated that appellant was the tenant. Attention of this Court has been drawn to the said affidavits, which are Annexure A-9 (Colly) with the present appeal. The said affidavits are reproduced as below:

**“AFFIDAVIT/ UNDERTAKING
(NOC for issue on electricity connection)**

I/We, PRATIBHA SINGH, wife of Mr. Khaleeq Ahmed Chauhan resident of 6/198, Trilok Puri, Delhi-110091, do hereby solemnly declare as under:-

1. That I/We am/are an Indian Citizen, and my/our permanent resident of NCT of Delhi and residing



at the above said address.

2. That I had sold the first floor of property /house bearing No.11/265, Trilok Puri, Delhi-110091 to Mrs. Shabana Khatoon.
3. That I/We have no objection if a new /transfer electricity connection is issued in name of Mrs. SHABANA KHATOON wife of Mr. Firoz Alam resident of 11/265, First Floor, Trilok Puri, Delhi-110091.
4. That I/we know that to make a false statement is an offence punishable under relevant act and law and whatever is stated above are true to the best of my knowledge and belief.

DEPONENT

VERIFICATION:-

Verified at Delhi on this that the contents of above said affidavit are true and correct to the best of my knowledge and nothing material has been concealed there from.

DEPONENT”

XXXXXXXXXXXXXXXXXXXX

**“AFFIDAVIT/ UNDERTAKING
(NOC for issue on electricity connection)**

I/We, PRATIBHA SINGH, wife of Mr. Khaleeq Ahmed Chauhan resident of 6/198, Trilok Puri, Delhi-110091, do hereby solemnly declare as under:-

1. That I/We am/are an Indian Citizen, and my/our permanent resident of NCT of Delhi and residing at the above said address.
2. That I/ am am/ are owner of Property/ House bearing No.11/265, Trilok Puri, Delhi-110091.
3. That I/we have no objection if a new /transfer electricity connection is issued in name of Mrs.



SHABANA KHATOON wife of Mr.Firoz Alam
resident of 11/265, First Floor, Trilok Puri, Delhi-
110091, who is my lawful tenant.

4. That I/we know that to make a false statement is an offence punishable under relevant act and law and whatever is stated above are true to the best of my knowledge and belief.

DEPONENT

VERIFICATION:-

Verified at Delhi on this that the contents of above said affidavit are true and correct to the best of my knowledge and nothing material has been concealed there from.

DEPONENT”

10. It is submitted that the appellant have already paid all the instalments towards purchase of the property in question in the year 2017, the appellant received a notice from an Advocate, wherein it was wrongly written that the appellants were only tenants on monthly rent of Rs.4,500/-. It is submitted that the respondent had already received all the amount towards the sale of the property in question and that no money was due and payable by the appellants to the respondent. It is further submitted that the alleged Rent Agreement, as produced on behalf of the respondent did not contain signatures of the appellant herein and that the signatures therein were forged.

11. Considering the submissions made before this Court, it is held that the matter needs consideration.

12. In view thereof, issue notice to the respondent.

13. Let reply be filed within four weeks. Rejoinder thereto, if any,



be filed within two weeks thereafter.

14. Considering the submissions made before this Court, as noted hereinabove, it is directed that operation of the impugned judgment and decree dated 13.05.2022 passed in Civil Suit No. 54/2018 shall remain stayed till the next date of hearing.

15. List on 19.05.2023.

MINI PUSHKARNA, J

DECEMBER 23, 2022

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