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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **RFA 1009/2023, CM APPL. 67231/2023, CM APPL. 67229/2023**  
**CM APPL. 31837/2024 and CM APPL. 67228/2023**

KARAN RAI

.....Appellant

Through: Mr. Vijay Dahiya with Mr. Harish  
Kudetha, Advocate.

versus

MEENA CHAUBEY

.....Respondent

Through: Mr. Rahul Sharma with Mr. Happy  
Chaubey, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**ORDER**

**14.11.2024**

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**[Physical Hearing/Hybrid Hearing (as per request)]**

1. The appellant has assailed judgment and decree of possession of immovable property. The case set up by the respondent plaintiff before trial court was that she allowed the appellant defendant to occupy and use the subject property on gratuitous basis since the appellant defendant was a friend of husband of respondent plaintiff. On the other hand, in the written statement, the appellant defendant did not specifically plead in what capacity he is in possession of the subject property, though learned counsel for appellant defendant refers to reply notice as per which the subject property is owned by his father in law.
2. According to the respondent plaintiff, the evasive denial in the written statement amounts to admission and the same can attract judgment under



Order XII Rule 6 CPC.

3. Title documents of both sides are unregistered agreement to sell and attendant documents. Seller of the subject property is the same person namely Dinesh Mohan. Documents of the appellant defendant are of the year 2011 while documents of the respondent plaintiff are of the year 2017.

4. It is not denied that judgment on admissions is not a matter of right but a matter of discretion. In the above backdrop, both sides claim that the previous chain of title deeds are in their possession. That being so, both sides are directed to produce in court on the next date the chain of title deeds through which the property came to be sold to Dinesh Mohan.

5. Relist on 27.11.2024.

**GIRISH KATHPALIA, J**

**NOVEMBER 14, 2024/ry**

*Click here to check corrigendum, if any*