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

+ RSA 157/2025

RAM LAVAT

.....Appellant

Through: Mr. Shiv Nath Bind, Mr. Rajeev
Deora, Dr. Prince Mohan Sinha, Mr.
Wakil Kumar and Ms. Bushra
Khatun, Advocates.

versus

RAM PADARATH (SINCE DECEASED) THROUGH LRS.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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06.10.2025

CM APPL. 62284/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 62285/2025 (exemption from filing decree sheet)

By way of the present application filed under Order XX Rule 6A(2) of the Code of Civil Procedure 1908 ('CPC'), the appellant seeks exemption from filing certified copy of Decree dated 15.11.2019 passed by learned Additional District Judge-04, East District, Karkardooma Courts, Delhi in appeal bearing RCA DJ No.358/2016.



2. For the reasons stated in the application, which are duly supported by affidavit, the exemption is allowed.
3. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
4. The application is allowed and disposed-of.

RSA 157/2025 & CM APPL. 62282/2025 (stay) & CM APPL. 62283/2025 (condonation of 2023 days' delay in filing the appeal)

5. By way of the present regular second appeal filed under section 100 read with Order XLII CPC, the appellant impugns judgment and decree dated 15.11.2019 passed by the learned Additional District Judge-04, East District, Karkardooma Courts, Delhi in appeal bearing RCA DJ No.358/2016.
6. Issue notice.
7. Upon the appellant taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.
8. Let the notice indicate that replies to CM APPL. No. 62282/2025 and CM APPL. No. 62283/2025 be filed within 06 weeks of service; rejoinder(s) thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
9. No reply is required in the appeal.
10. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
11. Re-notify on 22nd December 2025 before the learned Joint-Registrar for completion of service; and completion of pleadings in CM APPL.No.62282/2025 and CM APPL. No.62283/2025.
12. List before court thereafter.



13. The appeal will be considered subject to decision on the condonation of delay application.
14. Mr. Shiv Nath Bind, learned counsel appearing for the appellant submits, that the suit property had been allotted under the DDA's relocation and rehabilitation scheme in lieu of removal of the JJ Cluster at Kanchan Puri, Delhi.
15. Counsel argues, that such allotments are deemed to be made in favor of the family that is sought to be relocated and not for any individual member of the family even though the allotment letter may be issued in an individual name. Reference is made to the decision of the Supreme Court in ***Bina Basak & Ors. vs. Sri Bipul Kanti Basak & Ors***¹, in support of the aforesaid submission.
16. In the circumstances, it is submitted that regardless of the fact that allotment may have been in the name of any one member of the family, namely the appellant's brother, the appellant cannot be ousted from the suit property.
17. On a *prima-facie* view of the matter, and considering the submissions made, and the fact that the suit filed by the respondent was dismissed by the learned trial court, which dismissal has been reversed by the learned first appellate court, no steps for ousting the appellant from the suit property shall be taken in the execution proceedings, till the next date of hearing before this court.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 6, 2025/ak

¹ 2024 SCC OnLine SC 571