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

+ **CS(OS) 891/2024, I.A. 44670-44671/2024**

BRIJENDRA KUMAR GUPTA

.....Plaintiff

Through: **Mr. Shiv Kumar Tiwari, Advocate**

versus

MEENAKSHI PANT & ORS.

.....Defendants

Through: **Mr. Jai Sahai Endlaw with Ms. Sagarika Kaul, Advocates for D-1 and D-2
Ms. Chand Chopra and Ms. Yogya Sharma, Advocates for D-6/DDA**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 12.11.2024

I.A. 44671/2024 (for exemption)

1. Plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
2. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so.
3. The application stands disposed of.

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4. This is a suit, inter-alia, for declaration, possession and mandatory injunction and recovery of compensation.
5. The plaintiff shall file an additional affidavit within a period of two (2) weeks making a full disclosure of the rental amounts received by him from 1984 till 31.12.2020 qua the suit property along with a proof of the



receipt of the rentals. The detail of the rental shall be given for the entire period along with the mode of receipt. The defendants will file written statement after the additional affidavit has been filed. This additional affidavit shall be served on the non-appearing defendants along with the summons.

6. Let the plaint be registered as a suit.
7. Issue summons.
8. Learned counsel for defendant nos. 1, 2 and defendant no. 6 have entered appearance and waive off formal service of summons.
9. The said defendants shall file written statement(s) within thirty (30) days. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statement(s) shall not be taken on record.
10. The counsel for defendant nos. 1, 2 and 6 shall file Vakalatnama within two (2) weeks.
11. Upon steps being taken by the plaintiff, issue summons to remaining defendant nos. 3, 4, 5 and 7 through all modes.
12. The summons shall indicate that written statement(s) must be filed within thirty (30) days from the date of receipt of summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statement(s) shall not be taken on record.
13. The plaintiff is at liberty to file replication(s) thereto within thirty (30) days after filing of the written statement(s). The replication(s) shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication(s) shall not be taken on record.



14. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
15. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
16. Defendant nos. 3 to 5 will place on record along with the written statement details of all the tenants which were inducted in the suit property between 1987 to October, 2021 along with the rent agreements. The said defendants will also place on record the Income Tax Returns evidencing the acquisition of the suit property.
17. The Delhi Development Authority (DDA) will also produce all relevant documents filed by defendant nos. 3 to 5 for issuance of the conveyance deed and the governing policy pursuant to which the conveyance deed was executed in favour of defendant no. 4 on the basis of an unregistered ATS and GPA.
18. In the meantime, this Court also deems it appropriate to issue Court notice to Bharat Heavy Electricals Limited (BHEL) to produce before this Court the service record of the plaintiff herein including the details of the declaration of immovable assets made by the plaintiff herein with BHEL in terms of the Rule 16 of the BHEL CDA Rules w.e.f. 01.01.1997 until the date of his retirement. The registry is directed to issue the Court notice to BHEL through its nominated counsel. BHEL is directed to place on record the said declarations along with an affidavit within three (3) weeks from receipt of notice.
19. List before the Joint Registrar (J) on **04.02.2025**.
20. List before Court on **07.04.2025**.



I.A. 44670/2024 (under Order XXXIX Rules 1 and 2 CPC seeking ex-parte Advocates-interim injunction)

21. In addition, issue notice to the defendants in I.A. 44670/2024.
22. The defendants are directed to file their reply to I.A. 44670/2024 within thirty (30) days.
23. Learned counsel for defendant nos. 1 and 2 state that defendant nos. 1 and 2 are bona fide purchaser for valuable consideration, he states that defendant nos. 1 and 2 purchased the property in view of the fact that defendant no. 6 has executed a conveyance deed dated 04.02.2016 in favour of defendant no. 4. He states that the defendant nos. 1 and 2 relying upon the said conveyance deed entered into the purchase of this property vide sale deed dated 25.10.2021. He states that the original title documents are lying deposited with defendant no. 7 i.e. SBI. Since the property has been mortgaged by defendant nos. 1 and 2 with defendant no. 7.
24. The application under Order XXXIX Rules 1 and 2 Code of Civil Procedure, 1908 ('CPC') shall be taken up on the next date of hearing after examining the stand of defendant nos. 3, 4 and 5.
25. List before the Joint Registrar (J) on **04.02.2025**.
26. List before Court on **07.04.2025**.

MANMEET PRITAM SINGH ARORA, J
NOVEMBER 12, 2024/msh/AKT

Click here to check corrigendum, if any