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

+ RFA 1055/2025

RAKESH KUMAR

.....Appellant

Through: Ms. Rashmi Chopra, Senior Advocate
with Mr. Nipun Arora, Mr. Deepak
Nagar, Mr. Shivender Gupta, Mr.
Aman Singh and Mr. Mohd.
Shahrukh Qureshi, Advocates.

versus

SARASWATI DEVI

.....Respondent

Through: Dr. Sumant Bharadwaj, Mrs. Mridula
Ray Bharadwaj, Dr. Vedant
Bharadwaj, Ms. Amrita Behera, Ms.
Pooja Gupta, Ms. Iffat Fatima, Mr.
D.M. Sharma for Caveator.
Ms. Vibha Walia, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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19.11.2025

CM APPL. 72577/2025 (exemption)

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

RFA 1055/2025

CM APPL. 72576/2025 (stay)

By way of the present regular second appeal filed under section 96 read with Order XLI Rule 1 of the Code of Civil Procedure 1908, the appellant impugns judgment and decree dated 27.09.2025 passed by the learned District Judge, Shahdara District, Karkardooma Courts, Delhi in suit bearing CS No.337/2025.



2. Learned senior counsel appearing for the appellant submits, that the Gift Deeds dated 21.11.2012 and 04.12.2012, which now stand cancelled, were executed in 2012; and the appellant, alongwith his family, has been in continuous use and occupation of the suit property alongwith the respondent, who is his mother.
3. Issue notice.
4. Upon the appellant taking steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.
5. Let the notice indicate that reply to CM APPL. No.72576/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
6. No reply is required in the appeal.
7. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
8. Re-notify on 02nd February 2026 before the learned Joint-Registrar for completion of service; and completion of pleadings in CM APPL. No.72576/2025.
9. List before court thereafter.
10. On a *prima-facie* view of the matter, and considering the relationship between the parties, the effect and operation of the impugned judgment and decree shall remain *stayed*, till the next date of hearing before this court.
11. However, in view of what has been recorded by the learned trial court in para 18 of the impugned judgment, which position is pointed-out by learned counsel for the respondent (though contradicted by learned senior counsel appearing for the appellant), it is clarified that the



respondent (mother) and the grandchildren, as well as the wife of the appellant's deceased brother, shall also have the right to reside in the suit properties which form subject matter of the gift deeds *i.e.*, properties bearing Municipal Nos. 9/214 and 9/215, situate at Saraswati Bhandar, Ghas Mandi, Gandhi Nagar, Delhi.

12. In the meantime, learned counsel submit that the parties would be willing to explore the possibility of an amicable settlement of their *inter-se* disputes through mediation under the aegis of the Delhi High Court Mediation & Conciliation Centre.
13. Accordingly, parties are referred to mediation before the Delhi High Court Mediation & Conciliation Centre, with a request to the learned Organizing Secretary to appoint an appropriate mediator in the matter.
14. Let the parties approach the Mediation Centre on Wednesday *i.e.* 26th November 2025 at 02:30 p.m. for the above purpose.
15. A copy of this order be sent to the learned Organizing Secretary of the Mediation Centre, for information and compliance.
16. The mediation shall be time bound, to be concluded before the next date in the matter.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 19, 2025/ak