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

+ **CS(OS) 999/2024, I.A. 48312-48314/2024**

SH NARESH KUMARPlaintiff

Through: Mr. Siddharth Yadav and Ms. Ishita
Yadav, Advocates with plaintiff in
person

versus

K.S.M. PUBLIC SCHOOL & ORS.Defendants

Through: Defendant nos. 10, 11 and 12 in
person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **16.12.2024**

CS(OS) 999/2024

1. The present suit has been filed seeking relief of declaration, injunction, mesne profits, partition and possession. It is stated in the suit that an earlier suit bearing CS SCJ No. 912/2020 was filed before the Patiala House District Court, New Delhi ('District Court') however, the same was withdrawn on 13.09.2024 on account of pecuniary jurisdiction. It is averred that plaintiff was in actual, physical possession of the suit land and was dispossessed in the year 2020 (except 400 sq. yards which was already in possession of defendant).

2. Considering the fact that the plaintiff is seeking to challenge the sale deed dated 08.04.1991 executed in favour of defendant nos. 2 and 3 by his father late Sh. Nathu Ram Saini and considering that defendant nos. 1, 4, 5 and 9 are stated to be in possession of the said land, this Court deems it



appropriate to hear the said parties before proceeding in this matter.

3. Issue Court notice to defendant nos. 1, 2, 3, 4, 5 and 9 through all modes. In addition, through counsel representing defendant nos. 1, 2, 3, 4, 5 and 9 before the District Court. The parties are directed to remain present in Court on the next date of hearing.

4. It is made clear that no summons has been issued in this matter at this stage.

5. In the meantime, the plaintiff is also directed to place on record the translated copies of the documents filed in Hindi within four (4) weeks and the photographs relied upon be filed in color.

6. Defendant nos. 10, 11 and 12 are present in person.

7. Defendant no. 12 is present in Court and states that she was married in the year 2002 at the age of about 20 years. She states that she has during her lifetime never seen any cultivation on the said land.

8. Defendant no. 10 states that she had got married in the year 1985 and she is not aware about the details of the cultivation of the land by her father.

9. Defendant no. 11 states that their father, late Sh. Nathu Ram Saini fell ill in 1992-93 and thereafter the land was not cultivated either by him or by anyone else. She states that since then the land has remained vacant.

10. Defendant nos. 10, 11 and 12 state that they have appeared as they had received advance service of the present plaint. The statements of defendant nos. 10, 11 and 12 are taken on record.

11. The plaintiff is directed to place on record before the next date of hearing any documents evidencing that as per the records of the revenue authorities, plaintiff was cultivating the said land until the year 2018.

12. The plaintiff has been put to notice that making any false statement



will make him liable for perjury.

13. At this stage, learned counsel for the plaintiff states that he would like to clarify on instructions from the plaintiff, who is present in Court that the plaintiff was cultivating the land till the year 2007. He states that after 2007, this land remained vacant and the plaintiff was working as a loader with a company on private basis.

14. List on **17.02.2025** in *Supplementary List*.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 16, 2024/msh/ms

Click here to check corrigendum, if any