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

+ CS(OS) 999/2024 with I.A. 48312/2024, I.A. 48313/2024 and I.A. 48314/2024

SH NARESH KUMAR

.....Plaintiff

Through: Mr. Siddhartha Yadav, Ms. Ishita Yadav, Mr. Deepak Kumar Mishra, Advocates along with plaintiff in person.

versus

K.S.M. PUBLIC SCHOOL & ORS.

.....Defendants

Through: Mr. Bharat Arora, Mr. Abhishek Singh, Mr. Daood Ahmed, Advocates for D-1, 3 & 5.  
Ms. Askini Shokeen, Advocate for D-6, 7 & 8.  
Mr. Amol Sinha, ASC (Crl.) for NCT Delhi with Mr. Kshitiz Garg, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**

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**31.07.2025**

1. The present suit has been filed seeking relief of declaration, injunction, mesne profits, partition and possession. It is stated in the plaint 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SCJ No. 912/2020 was filed before the Patiala House District Court, New Delhi ('District Court'), however the same was withdrawn on 13<sup>th</sup> September, 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 defendants).

2. On the first date of hearing itself, the defendants no.10, 11 and 12 who are sisters of the plaintiff appeared on advance service and stated that the suit land was never cultivated by their father.

3. This is in contrast to the case of the plaintiff that the plaintiff was cultivating the land till 2007.

4. In the meanwhile, another suit was filed in the name of the same plaintiff being CS(OS) 185/2025 which came before the same Predecessor Bench on 24<sup>th</sup> March, 2025. The aforesaid suit was filed on behalf of the plaintiff by his daughter, Ms. Vaishno Saini. Ms. Vaishno Saini was present in Court on 24<sup>th</sup> March, 2025 and a statement was made on behalf of counsel for the plaintiff, which is set out below:

*“5. Learned counsel for the Plaintiff states on instructions from Ms. Vaishno Saini that there is no other suit filed by the Plaintiff with respect to the suit property i.e., Khasra No. 1/278, situated in Village Shahbad Mohammadpur, Delhi which is pending before this Court.”*

5. CS(OS) 185/2025 was adjourned to 21<sup>st</sup> May, 2025 when the present suit was also listed.

6. CS(OS) 185/2025 was dismissed by the Predecessor Bench on 21<sup>st</sup> May, 2025 by making the following observations:

*“1. Mr. Trishant Kaushik, Advocate for the plaintiff, has joined the proceedings through Video Conferencing. He states that he has never met the plaintiff, Mr. Naresh Kumar. He states that he was instructed by one Ms. Vaishno Saini, the daughter of the plaintiff to file the suit.*

*1.1. He states that the plaint has been filed with the affidavit of Ms. Vaishno Saini. He states that he was not made aware about the pendency of CS(OS) 999/2024 titled **Sh. Naresh Kumar v. K.S.M. Public School and Others**, which has been filed in the name of the same plaintiff, Naresh Kumar for identical reliefs.*



1.2. He states that Ms. Vaishno Saini is not in contact with him anymore and, in fact, she has blocked the mobile number of the counsel. He therefore, seeks leave to withdraw the suit unconditionally.

1.3. Mr. Bharat Ahuja, learned counsel for defendant nos.1, 4, 5 and 9 states that an advance copy of the suit was received vide registered post and in the advance copy received the plaint and one application is supported with the affidavit of the plaintiff, Naresh Kumar.

2. CS(OS) 999/2024 is listed before this Court where identical reliefs have been sought by the plaintiff Naresh Kumar.

3. Mr. Siddharth Yadav, Advocate appearing on behalf of Naresh Kumar in CS(OS) 999/2024 states that Sh. Naresh Kumar has not authorized the filing of the captioned suit and he states that Ms. Vaishno Saini, the daughter of the plaintiff has no contact with the plaintiff for the past two (2) years.

4. From the aforementioned facts, it is apparent that the filing of the present suit is a gross abuse of the process of this Court. The suit is, therefore, dismissed. However, since there appears to be an attempt to manipulate the Court record, the Registry is directed to place a copy of this suit file in CS(OS) 999/2024, for the sake of reference only.

5. This Court will consider initiating police proceedings for investigation of the fraud in institution of this suit in the name of the plaintiff by Ms. Vasihno Devi, after hearing the plaintiff in CS(OS) 999/2024.

6. Pending applications stand dismissed.”

7. Noting the identity of the averments made in the two suits as well as the prayers, the Court passed an order on 21<sup>st</sup> May, 2025 in the present suit and made the following observations:

“11. The plaintiff in the plaint dated 29.10.2024 has not made full disclosure about the current status of possession of the suit land and the identity of the persons in possession of the suit land.



12. This Court observes that the stand taken by the parties is so diametrically opposite that it is apparent that one of the parties is lying to the Court. Today separately dramatic events transpired in CS(OS) 185/2025 also filed in the name of the plaintiff for identical reliefs for the same land has been dismissed.

13. In view of the factual controversy, this Court deems it appropriate to appoint a Local Commissioner, Mr. Vaibhav Dubey, Advocate (D-4501-2019) (M.No.9654519171) (email id: [advvaibhavdubey@gmail.com](mailto:advvaibhavdubey@gmail.com)) to visit the suit property on 31.05.2025 at 11:00 A.M. to prepare a map/layout plan of these 3500 sq. yards duly demarcating the suit land, partition of this land, identity of the party/person in and the extent of existing construction as well as vacant land.

13.1 The Local Commissioner will engage the services of a draughtsman to assist him in preparing the map/layout plan of the suit land as per measurements.

13.2 To ensure unhindered and effective execution of this order, the Station House Office ('SHO') of the concerned local police station within whose jurisdiction the suit property lies in village Shahbad Mohammadpur, is directed to provide police assistance and protection to the Local Commissioner, when he visits the property and more specifically, for carrying out the inspection considering that some of the persons in occupation of the property are not parties to this suit.

13.3 The concerned Tehsildar of Village Mohammadpur will also render all assistance to the Local Commissioner and the draughtsman.

13.4 The Local Commissioner is directed to file his report within two (2) weeks after conclusion of the inspection."

8. Pursuant to the aforesaid order, a Local Commissioner has filed his report dated 13<sup>th</sup> June, 2025, a copy of which has been supplied to the counsel for the parties.

9. Further, vide order dated 21<sup>st</sup> May, 2025, the Court directed the plaintiff along with his two daughters Ms. Riya Saini and Ms. Vaishno Saini



to be present in Court on the next date of hearing, which is today. The directions passed in paragraphs 16, 17 and 18 of the said order dated 21<sup>st</sup> May, 2025 are set out below:

*“16. The plaintiff along with his daughter Ms. Riya Saini and Ms. Vaishno Saini shall remain present in Court on the next date of hearing.*

*17. In case plaintiff cannot produce Ms. Vaishno Saini, he will file an affidavit explaining the circumstances.*

*18. Copy of the order be sent to the standing counsel (CRL.) and standing counsel (C) for information and compliance for direction at paragraphs 13.2 and 13.3 of this order.”*

10. In terms of the aforesaid directions, even though the plaintiff is present in Court today, his daughters are not present. An affidavit dated 24<sup>th</sup> July, 2025 has been filed on behalf of the plaintiff in compliance of the aforesaid order. In the said affidavit, it is stated that Ms. Vaishno Saini went missing on 8<sup>th</sup> February, 2024 and a missing person report was also filed with the Station House Officer (SHO), PS-Dwarka, Sector-23 on 8<sup>th</sup> February, 2024. Hence, it is stated that the plaintiff is not in contact with his daughter, Ms. Vaishno Saini.

11. In terms of the directions passed *vide* the said order, Mr. Amol Sinha, standing counsel (Crl.) is present in Court.

12. Based on the facts narrated above, it appears that the present suit was filed on behalf of the plaintiff seeking certain reliefs. Since no interim order was passed in favour of the plaintiff, another suit was filed with identical averments and prayers allegedly by the daughter of the plaintiff as his authorised representative.

13. The aforesaid suit, CS(OS) 185/2025 is supported by affidavits of the



plaintiff as well as Ms. Vaishno Saini.

14. Mr. Siddhartha Yadav, counsel appearing on behalf of the plaintiff, submits that the signatures in CS(OS) 185/2025 are not his signatures and have been forged.

15. It is hard to accept the explanation offered by the plaintiff that Ms. Vaishno Saini is missing since 8<sup>th</sup> February, 2024 as her presence in Court has specifically been noted in the order passed on 24<sup>th</sup> March, 2025 by the Predecessor Bench in CS(OS) 185/2025.

16. In my *prima facie* view, it appears that the process of the Court has been abused in order to obtain reliefs in the suit.

17. This Court takes a serious view of this matter. In view of the above, the SHO, Police Station Tilak Marg shall fully investigate the case and submit the report to this Court. The investigation shall include:

- i. Connivance between the plaintiff and plaintiff's daughter, Ms. Vaishno Saini or any other person with regard to filing of CS(OS) 185/2025 before this Court.
  - ii. The Police shall also verify whether the signatures of the plaintiff, Mr. Naresh on the plaint in CS(OS) 185/2025 are authentic or not.
  - iii. The Police shall examine whether the affidavit filed in support of CS(OS) 185/2024 was executed by Mr. Naresh Kumar before the concerned Notary Public.
  - iv. The Police shall investigate any fraud committed in institution of CS(OS) 185/2024 in the name of the plaintiff by Ms. Vaishno Saini.
18. The Registry/plaintiff's counsel shall cooperate with the police and provide all the necessary pleadings/affidavits in original in relation to the two suits to the Police for the purposes of investigating the matter.



19. Let the Status Report be filed on behalf of the SHO, Police Station Tilak Marg within six (6) weeks from today.
20. It is made clear the no summons have been issued in the present suit till date.
21. List on 10<sup>th</sup> October, 2025 in the '*Supplementary List*'.
22. Registry shall supply a copy of this order to Anmol Sinha, standing counsel (Crl.) for NCT Delhi.

**AMIT BANSAL, J**

**JULY 31, 2025**

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