



\$~29

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

+ **CS(OS) 1029/2024 & I.A. 49453-49455/2024**

PAVAN SACHDEVA & ORS.

.....Plaintiffs

Through: Mr. Akshay Makhija, Sr. Adv., Mr. Sandeep Sharma, Sr. Adv., Mr. Vineet kumar, Mr. Gitesh Chopra, Mr. Siddharth Chopra, Mr. Amit Chaudhary, Mr. Sarthak, Mr. Prathiba Badhuria, Mr. Aditya Jain, Advocates

versus

SUDHIR POWER LIMITED & ORS.

.....Defendants

Through: Mr. Rajiv Nayar, Sr. Adv., Mr. Sandeep Sethi Sr. Adv, Mr. Manish Kumar, Ms. Shreya Sethi, Ms. Aparajita Jha, Advocates for D-1 to 3.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 24.12.2024

I.A. 49455/2024 (Application for exemption from filing typed copies of the documents)

1. The plaintiff shall file typed copies of the dim/illegible documents compliant with practice rules, before the next date of hearing.
2. The application for exemption is allowed, subject to the plaintiffs granting inspection of the original documents filed, as and when required to do so as well as at the stage of carrying out admission/denial of documents.
3. The application stands disposed of.



I.A. 49454/2024(Application under Section 149 of CPC seeking extension of three (3) months for filing the remaining Court fee)

4. This is an application filed by the plaintiffs seeking extension of time for filing deficient Court fee.
5. Learned senior counsel for the plaintiffs states that the deficient Court fee will be paid before the next date of hearing.
6. The time sought is granted until 15.01.2025.
7. It is made clear that if there is default in depositing the Court fee, the suit shall stand rejected under Order VII Rule 11(c) of the Code of Civil Procedure, 1908 (CPC), without seeking any clarification from the Court.
8. With the aforesaid directions, the application stands disposed of.

CS(OS) 1029/2024 & I.A. 49453/2024

9. The present suit has been filed for cancellation of sale deeds dated 15.01.2020, 04.02.2020, 11.02.2020, 13.02.2020, 17.02.2020, 26.02.2020, 03.03.2020 and 09.07.2020 executed in favour of defendant no. 1.
 - a. The subject matter of the present suit are eight (8) immovable properties which are enlisted at paragraph '2' of the plaint.
10. Mr. Sandeep Sethi, learned senior counsel for the defendant nos. 1 to 3 who appear on advance service state that as is evident from the record five (5) out of eight (8) immovable properties as enlisted at paragraph '2' of the plaint have already been sold to third parties for valuable consideration and the possession also stands transferred to the said third parties.
 - a. He states that the present suit is barred by limitation and not maintainable in law.
 - b. He states that the plaintiffs have not disclosed on record the steps taken by parties to act upon the sale deeds, which includes payment to the



financial institutions of the amounts which were due and payable by the plaintiffs.

c. He states that with respect to the contention of the plaintiff that the suit properties i.e., (i) Plot No.321, Sector-15, Part-I, Gurugram Haryana-122001 (**'Plot no. 321'**) and (ii) Plot No. 473, Udyog Vihar, Phase-V, Gurgaon, Haryana-122016 (**'Plot no. 473'**) is in the actual physical possession of the plaintiffs is a fact strenuously disputed by the defendants.

d. He states that relevant documents evidencing the possession of the defendants will be placed on record with the written statement before the next date of hearing. He states that the sale deeds qua the said properties in fact records handing over of the actual physical possession by the plaintiff/seller to the defendant/buyer.

e. He states that there are proceedings already pending before the concerned SDM, Gurugram under Section 164 of BNSS, 2023 (Section 145 Cr.P.C) qua Plot no. 473, Udyog Vihar, Phase-V, Gurgaon, Haryana – 122016.

f. He states that when the sale deed with respect to the Property at 23/26, First Floor, East Patel Nagar, New Delhi-110008 (**'East Patel Nagar property'**) was executed, there was a tenant in possession of the said property and therefore, symbolic and proprietary possession was handed over by plaintiff/seller to the defendant/buyer as is recorded in the said sale deed itself.

g. He prays for ten (10) days to file the written statement along with affidavit of admission/denial of documents filed by the plaintiffs.

11. In reply, learned senior counsel for the plaintiffs states that the plaintiffs dispute the stand of the defendants qua the status of actual physical



possession of the suit properties i.e., (i) Plot No.321, Sector-15, Part-I, Gurugram Haryana-122001 and (ii) Plot No. 473, Udyog Vihar, Phase-V, Gurgaon, Haryana-122016 and (iii) 23/26, First Floor, East Patel Nagar, New Delhi- 110008. He states that the plaintiffs are in physical possession of the said suit properties.

12. He seeks to place reliance on additional documents which have been handed over under the cover of index dated 23.12.2024. Copy has been served on the defendant nos. 1 to 3. The plaintiff is directed to have the said document filed with the registry on or before 07.01.2025.

13. Let the plaint be registered as suit.

14. At this stage summons in the suit and notice in I.A. 49453/2024 are being issued only to defendant nos. 1 to 3. Mr. Manish Kumar, learned counsel for the defendant nos. 1 to 3 accepts summons and notice and waives formal service of summons and notice.

15. The defendant nos. 1 to 3 are directed to file their written statements within ten (10) days along with affidavit of admission denial of documents filed by the plaintiffs. Reply to I.A. 49453/2024 within 10 days.

16. The plaintiffs are directed to file replications along with affidavit of admission/denial of documents filed by the defendants within one (1) week thereafter. Rejoinder to I.A. 49453/2024 within one (1) week.

17. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

18. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

19. It is clarified that the pendency of these proceedings will not impede the adjudication of the Section 164 BNSS proceedings pending before the



concerned SDM, Gurugram qua the suit property bearing Plot No. 473, Udyog Vihar, Phase-V, Gurgaon, Haryana-122016. The SDM, Gurugram is at liberty to proceed in the matter in accordance with law. The orders of the SDM, Gurugram will be implemented in accordance with law.

20. The matter has been heard in part.

21. List for further arguments on **17.01.2025**.

22. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 24, 2024/mt/sk

[Click here to check corrigendum, if any](#)