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

+ **CS(OS) 22/2025**

SH. RAM KUMAR CHIKARAPlaintiff

Through: Dr. Amit George, Adv.

versus

SH. HARIGYAN & ORS.Defendants

Through: yet to be served.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **25.02.2025**

I.A. 1009/2025 (under Order XXXIX Rules 1 & 2)

1. On plaintiff taking steps, notice of this application be issued to defendants through all permissible modes, returnable before this Court on 28th April 2025.

CS(OS) 22/2025

1. Pursuant to previous order dated 16th January 2025, plaintiff has filed 'No Objection Certificate' ('**NOC**') from *Sh. Sajjan Kumar S/o Late Shri Changdi Ram, Smt. Prem Lata D/o Late Shri Changdi Ram, Sh. Vinod Kumar S/o Late Shri Mahendra Singh, Sh. Surender S/o Late Shri Mahendra Singh, Sh. Jai Bhagwan S/o Late Shri Mahendra Singh and Sh. Sunil S/o Late Shri Satnarain*, who have relinquished their respective rights, title, and interest in the suit property being property at *Khata No.50/44 (2-12), situated at extended Lai Dora in Village Jaunti, North West Delhi, Delhi-110081* ('**suit property**'), in favour of plaintiff.

2. These NOCs have been issued pursuant to the Court having noted



that there is no registered document of relinquishment in favour of plaintiff. The NOCs note *inter alia* that the Declaration Agreement dated 9th February 2018, whereby releasors had surrendered all their rights, title, and interests in the suit property in favour of plaintiff.

3. On this basis, plaintiff claims right to *Khasra No.217* while *Khasra No.216*, is in possession of defendants.

4. The division was between two families of *Late Sh. Ram Swaroop* and *Late Sh. Chandgi Ram*, 50% each subsequent to consolidation, having occurred in the year 1954-1955.

5. The basic concern relates to the excess area of approximately 500 sq. yds. in *Khasra No.216* in favour of defendants and attempts of defendants to encroach upon property under plaintiff's title and possession.

6. Accordingly, plaint be registered as a suit. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.

7. The summons shall indicate that the written statements must be filed within thirty days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.

8. The plaintiff is at liberty to file replications thereto within thirty days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.

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

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



11. List before the learned Joint Registrar for marking of exhibits on 4th April 2025.
12. List before the Court on 23rd July 2025.
13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 25, 2025/sm/bp