

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>03.07.2024</u>		<p>CLR No.53 of 2024 <u>Hon'ble Alok Kumar Verma, J.</u></p> <p>In the Original Suit No.570 of 2022, filed by the respondent-plaintiff for declaration and perpetual injunction, revisionist-defendant had filed an Application under Order VII Rule 11 of the Code of Civil Procedure, 1908 on the ground that the Suit is barred by the provision of Section 4 of the Prohibition of Benami Property Transactions Act, 1988. The said Application has been dismissed vide impugned order dated 26.03.2024, passed by learned Civil Judge (Senior Division) Dehradun.</p> <p>2. The case of the respondent-plaintiff is that the revisionist was his wife when he purchased the suit property in her name.</p> <p>3. Heard Mr. Rajeswar Singh with Mr. Vikas Bahuguna, learned</p>

		<p>counsel for proposed revisionist.</p> <p>4. Mr. Rajeswar Singh, Advocate, has relied on the judgments of the Hon'ble Supreme Court passed in "Mithilesh Kumari and Another Vs. Prem Behari Khare, (1989) 2 SCC 95, R. Rajagopal Reddy (Dead) by LRS. and Others Vs. Padmini Chandrasekharan (Dead) by LRS., (1995) 2 SCC 630, Rebti Devi (Smt.) Vs. Ram Dutt and Another, (1997) 11 SCC 714 and a judgment of Hon'ble High Court of Delhi in Dr. Sonia and Another Vs. Jagat Singh Gahlot and Another, (2022) SCC OnLine Del 4042".</p> <p>5. Mr. Rajeswar Singh, Advocate, submitted that the said original suit is barred by Section 4 of the said Act, 1988. However, he submitted that the Amendment Act, 2016 is not retrospective in nature.</p> <p>6. In the facts and circumstances of the case, it would be appropriate</p>
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to grant an opportunity to the respondent-plaintiff also even before passing any order on Admission.

7. Issue notice to the respondent before Admission by all the permissible modes including dasti (through counsel appearing before the Trial Court for the respondent-plaintiff), as prayed.

8. On the request of Mr. Rajeswar Singh, Advocate, list on 08.07.2024 under the same head.

(Alok Kumar Verma, J.)
03.07.2024

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