

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.555/2020

Bina

Plaintiff

Versus

Pooja

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- Sh. Manoj Khatri, counsel for plaintiff.

None for defendant.

As per report the defendant has been served on 10/08/2020 on Whatsapp Mobile No.7838155232, however, none appeared for the defendant.

Further an application U/O 1 R.10 CPC is filed on behalf of the applicant Rajiv Kumar.

No affidavit of service has been filed by the plaintiff in terms of the last order dt.28/07/2020.

Put up for further proceedings on 14/09/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.436/2019

Chaudhary Labels Pvt. Ltd.

Plaintiff

Versus

SDS Design Studio

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi

dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

Misc. NO.123/2019

Mrs. Mehtab (Since Deceased) Through LRs

Plaintiff

Versus

Delhi Development Authority

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi

dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.1482/2019

Satish Kumar Bajaj

Plaintiff

Versus

Dharmendra Kumar

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi

dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.148/2020

Ujjwal Ojha

Plaintiff

Versus

S.D. Public School

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi

dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.339/2020

Nematullah

Plaintiff

Versus

Satya Prakash Yadav

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.577/2020

Anupama

Plaintiff

Versus

Arun

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- Sh. Amit Madan, counsel for plaintiffs.

Sh. Hitesh Kumar Bagri, counsel for defendant no.1 & 2
alongwith defendants no.1 & 2.

1. Present suit has been filed by the plaintiffs against the defendants seeking a decree of declaration that the gift deed dt.11/09/2020 registered on 12/09/2019 with the Office of Sub-Registrar-IIA, Punjabi Bagh, District West with Registration No.5262, Book No.1, Volume No.3714 on Page – 120 to 128 is cancelled or declared as null and void, possession of the suit property i.e. Flat No.244/B, First Floor, Block A-1 (Paschim Puri), Paschim Vihar, New Delhi and direction to the defendant no.3 i.e. the Sub-Registrar, Punjabi Bagh, District West to cancel the gift deed.

2. It is stated that both plaintiffs are sisters of defendant no.1 and the defendant no.2 is the sister in law of the plaintiff and wife of the defendant no.1. It is stated that mother of the plaintiffs Smt. Santoshi Kumar who was the owner of the suit property i.e. Flat No.244/B, Block A-1 (Paschim Puri), Paschim Vihar, New Delhi gifted the first floor of the suit property i.e. Flat No.244/B, Block A-1 (Paschim Puri), Paschim

Vihar, New Delhi measuring 30sq. meters in favour of the plaintiffs vide registered gift deed dt.27/10/2016 and on the same day the original property documents and the key of the aforesaid property was handed over to the plaintiffs.

3. It is stated that the mother of the plaintiffs and defendant no.1 died on 22/01/2020 and thereafter defendants no.1 & 2 made a forged document i.e. gift deed dt.11/09/2019 registered on 12/09/2019 with the Office of Sub-Registrar-IIA, Punjabi Bagh, District West fraudulently and coercively under threats as at that time allegedly the mother of the plaintiff was not well. It is further stated that the gift deed dt.11/09/2019 registered on 12/09/2019 is void *ab initio* because there existed an earlier gift deed 27/10/2016 in favour of the plaintiffs and after that the deceased mother Ms. Santosh Kumar had no right or interest in the suit property or to execute another gift deed.

4. After the suit was filed, the defendant no.1 & 2 handed over the possession of the suit property including its keys to the plaintiff on 20/07/2020. At request of the counsels the matter was placed before the Lok Adalat which was held on 08/08/2020. During the course of Lok Adalat proceedings, the matter was settled between the parties and statements were signed by the defendant no.1 & 2 whereby *inter alia* they stated that they have no objection if the gift deed dt.11/09/2019 registered on 12/09/2019 with the Office of Sub-Registrar-IIA, Punjabi Bagh, District West with Registration No.5262, Book No.1, Volume No.3714 on Page – 120 to 128 be declared as null and void. The possession was already handed over to the plaintiffs. Plaintiffs stated that they have no other grievance against the defendants if the aforesaid gift deed registered on 12/09/2019 is directed to be cancelled. In view the statement given by the defendant no.1 & 2 it is quite evident that they have no objection if the gift deed in question is directed to be cancelled.

5. From perusal of the statements given by the parties it appears that there is no issue between the parties and, therefore, it is appropriate that a decree u/o XII R.6 CPC r/w Order XV R.1 CPC be passed as the defendants without going into the merits of the case and allegations pertaining to fraud have conceded that they have no objection if the gift deed is cancelled. Therefore, in view of the statement of the defendant no.1 & 2 recorded before the Lok Adalat on 08/08/2020, it is hereby ordered that the gift deed dt.11/09/2019 registered on 12/09/2019 with the Office of Sub-Registrar-IIA, Punjabi Bagh, District West with Registration No.5262, Book No.1, Volume No.3714 on Page – 120 to 128 is hereby directed to be cancelled.

6. In view of the Section-31 of Specific Relief Act, 1963 let a copy of this order and the decree be sent to the concerned Sub-Registrar and he is directed to note the fact of the cancellation of the gift deed in appropriate books.

Let a decree u/o XII R.6 CPC be prepared accordingly.

Thereafter, file be consigned to record after completing the necessary formalities.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.607046/2016

Garibini Devi

Plaintiff

Versus

Delhi Development Authority

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

Misc. NO.29761/2016

Jatav Panchayat Ghar Samiti

Plaintiff

Versus

Balvinder Kumar ETC

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- Sh. Sudhanshu Tomar, counsel for plaintiff.

Matter is listed for PE. As per the Circular No.26/DHC/2020 dt.30/07/2020 of Hon'ble High Court of Delhi, only the ex-parte evidence matters are to be taken up and contested evidence matters are not to be taken up. In view thereof, matter is adjourned.

Put up for the purpose fixed on 02/11/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.573/2018

Deshraj

Plaintiff

Versus

Sagar

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

Matter is listed for PE. As per the Circular No.26/DHC/2020 dt.30/07/2020 of Hon'ble High Court of Delhi, only the ex-parte evidence matters are to be taken up and contested evidence matters are not to be taken up. In view thereof, matter is adjourned.

Put up for the purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.465/2019

Ram Achraj

Plaintiff

Versus

Mehangu Ram

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None for plaintiff.

Sh. Bharat Singh, LAC on behalf of defendant.

Matter is listed for PE. As per the Circular No.26/DHC/2020 dt.30/07/2020 of Hon'ble High Court of Delhi, only the ex-parte evidence matters are to be taken up and contested evidence matters are not to be taken up. In view thereof, matter is adjourned.

Put up for the purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.508/2019

Prem Lata Goel

Plaintiff

Versus

Ranbir Singh Dabas

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None for plaintiff.

Sh. Anil Vats, counsel for defendant.

Matter is listed for PE. As per the Circular No.26/DHC/2020 dt.30/07/2020 of Hon'ble High Court of Delhi, only the ex-parte evidence matters are to be taken up and contested evidence matters are not to be taken up. In view thereof, matter is adjourned.

Put up for the purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.612715/2016

Ram Niwas

Plaintiff

Versus

Savitri Devi

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

Matter is listed for DE. As per the Circular No.26/DHC/2020 dt.30/07/2020 of Hon'ble High Court of Delhi, only the ex-parte evidence matters are to be taken up and contested evidence matters are not to be taken up. In view thereof, matter is adjourned.

Put up for the purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.612561/2016

Balbir Singh

Plaintiff

Versus

Delhi Development Authority

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None for plaintiff.

Sh. Ashutosh Gupta, counsel for defendant/DDA.

Matter is listed for DE. As per the Circular No.26/DHC/2020 dt.30/07/2020 of Hon'ble High Court of Delhi, only the ex-parte evidence matters are to be taken up and contested evidence matters are not to be taken up. In view thereof, matter is adjourned.

Put up for the purpose fixed on 18/09/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.607014/2016

The Jatav Panchayat Ghar Samiti

Plaintiff

Versus

Delhi Development Authority

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- Sh. Sushanshu Tomar, counsel for plaintiff.

None for the defendant.

Matter is listed for DE. As per the Circular No.26/DHC/2020 dt.30/07/2020 of Hon'ble High Court of Delhi, only the ex-parte evidence matters are to be taken up and contested evidence matters are not to be taken up. In view thereof, matter is adjourned.

Put up for the purpose fixed on 02/11/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

Misc. NO.29663/2016

Smt. Sudershan Vedi

Plaintiff

Versus

Sh. Tarun Vedi

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.612321/2016

Sudershan Vedi

Plaintiff

Versus

Tarun Vedi

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi

dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.607779/2016

Om Wati

Plaintiff

Versus

Govt. Of NCT of Delhi

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- Sh. Sumit Gaba, counsel for plaintiff.

Sh. Praduman Kumar Aggarwal, counsel for defendant/DDA.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal

C.J-02, West, THC, Delhi

dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.608384/2016

M/s Rajsudha Towers Pvt. Ltd.

Plaintiff

Versus

Praduman Kaur

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None for plaintiff.

Dr. Anurag Aggarwal, counsel for defendant.

None joined the video conferencing on behalf of plaintiff, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.1033/2018

Kamla Devi

Plaintiff

Versus

Rajinder

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.632/2019

A.K. Lumbers Ltd.

Plaintiff

Versus

Ram Kirpal Singh Construction Pvt. Ltd.

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- Sh. Vivek Malhotra, counsel for plaintiff.
Sh. Rajesh Kumar, counsel for defendant.

Counsel for plaintiff states that he cannot advance the final arguments today as he does have the file and seeks an adjournment. At request, matter is adjourned.

Put up for purpose fixed on 28/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

Counter-Claim NO.11/2019

Prem Lata Goel

Plaintiff

Versus

Ranbir Singh Dabas

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi

dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.1476/2019

Shamim

Plaintiff

Versus

Ishtiyaq

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None for plaintiff.

Sh. Sumit Gaba, counsel for defendant.

None joined the video conferencing on behalf of plaintiff, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.275/2020

Manorama

Plaintiff

Versus

Pappu

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

None joined the video conferencing, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.606877/2016

M/s Scindia Potteries

Plaintiff

Versus

Bhullan Singh

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None for plaintiff.

Sh. S.C. Sharma, counsel for defendant.

None joined the video conferencing on behalf of plaintiff, therefore, the matter could not be heard.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.612347/2016

Priyanka Rishi Mishra

Plaintiff

Versus

G.D. Salwan Punlic School

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- Sh. Vivek Malhotra, proxy counsel for Sh. Anjum Kumar,
counsel for plaintiff.

None for defendant.

Proxy counsel for plaintiff seeks an adjournment by stating
that the main counsel is not available today.

At request, matter is adjourned.

Put up for final arguments on 26/10/2020.

A copy of this order be sent to the filing/computer branch Tis
Hazari Court, Delhi for uploading the same on the official website of
District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.609403/2016

Naval Kishore

Plaintiff

Versus

Union Of India

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None for plaintiff.

Sh. Ravi Ranjan, counsel for defendant no.1.

None joined the video conferencing on behalf of plaintiff, therefore, the matter could not be heard.

Put up for purpose fixed on 28/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.611786/2016

Hari Parkash

Plaintiff

Versus

Delhi Development Authority

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None for plaintiff.

Sh. Tushar Datta, proxy counsel for Sh. Tarun Sharma,
counsel for defendant.

Matter was listed for final arguments. Proxy counsel for
defendant seeks an adjournment.

At request, matter is adjourned.

Put up for final arguments on 03/11/2020.

A copy of this order be sent to the filing/computer branch Tis
Hazari Court, Delhi for uploading the same on the official website of
District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.612515/2016

Dilbagh Singh

Plaintiff

Versus

Delhi Development Authority

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

Vide this order I shall decide an application u/o XXII R. 10 CPC filed by one Sh. Parmod Singh, S/o Sh. Devender Singh, R/o 15/A, Gali No.6, Dhirpur, Delhi – 110009 seeking substitution in place of the plaintiff.

1. It is stated in the application that the plaintiff Sh. Dilbagh Singh has expired on 03/10/2018 and plaintiff has executed a will in favour of the applicant in respect of the suit property. The death certificate of the plaintiff is annexed alongwith the application. It is stated that the suit property i.e. Plot bearing No.35, Jhilmil, Tahirpur, Elaka Sahadra, Delhi has devolved upon the applicant by way of the Will dt.05/02/2018 and he seeks the leave of the court to continue the suit on behalf of the plaintiff. Alongwith the application, the applicant has filed copy of the death certificate issued by Haryana Government and Will dt.05/02/2018 whereby it is stated by deceased plaintiff that he is the owner of the suit property measuring 4944sq. yds. and it is further stated that the said property shall devolve absolutely upon the applicant.

2. In response it is stated by the defendant/DDA that the applicant intends to grab the right of the plaintiff and the application is filed with the intention to delay the adjudication of the present case. It is further stated that the applicant has not disclosed the antecedents of the surviving legal representatives of the plaintiff and, therefore, the application is liable to be dismissed.

3. Arguments were heard and record was perused.

The present suit has been filed by the plaintiff against the defendant/DDA and others seeking declaration that the plaintiff be declared the owner of the suit property and mandatory injunction directing defendant no.1/DDA to effect mutation of the suit property in favour of the plaintiff in the records of the defendant/DDA.

Order XXII R.10 CPC *inter alia* provides for continuation of suit in the cases of assignment or devolution of any interest during the pendency of the suit by the person upon such interest has been devolved.

4. The applicant in the present application merely seeks continuation of the suit and submits that the suit shall not be abated upon the death of the plaintiff as the interest in the property has devolved upon the applicant by way of the Will dt.05/02/2018. It is trite law that the suit shall not be abated upon the death of the plaintiff when the interest in the suit property has already been devolved upon any other person and interest has been created by the plaintiff himself during the pendency of the suit. Needless to mention that the applicant will be required to prove the Will on record in the present case at the stage of evidence. The suit is at the stage when the issues were framed vide order dt.09/08/2018 and plaintiff's evidence has not yet begun.

Therefore, of the reasons stated aforesaid and in the interest of justice, the application is allowed. The deceased plaintiff is hereby substituted with the applicant. Let the amended memo of parties be

filed. Ahlmad is directed to take necessary steps for substitution of the applicant in place of the plaintiff in the present suit.

Now, put up for arguments on the pending application U/O 1 R.10 CPC on 03/11/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.612474/2016

Parkash Wati jain

Plaintiff

Versus

MCD

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present: - Sh. Pulkit Aggarwal, counsel for plaintiff.

None for defendant.

None joined the video conferencing on behalf of defendant,
therefore, the matter could not be heard.

Put up for purpose fixed on 11/09/2020.

A copy of this order be sent to the filing/computer branch Tis
Hazari Court, Delhi for uploading the same on the official website of
District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

**IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-
02 (WEST), TIS HAZARI COURT, DELHI**

SUIT NO.608491/2016

Vipin Kumar

Plaintiff

Versus

Delhi Development Authority

Defendant

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Present:- None.

By this order I shall decide an application u/o VI R. 17 CPC filed by the plaintiff seeking the amendment of the plaint.

1. It is stated that the plaintiff in pursuance of an advertisement published by the defendant/DDA participated in an open auction in respect of Plot No.28, Block-AG, Shalimar Bagh, Delhi (hereinafter referred to as the “**suit property**”) in the year 1981 and was declared the successful highest bidder and thereafter deposited 25% of the bid amount and possession was handed over to the plaintiff in the year 1982. It is stated that there after a letter dt.17/01/1990 was issued by defendant/DDA calling upon the plaintiff as to why the lease deed should not be cancelled. It is stated that the plaintiff is the real lessee of the suit property even though the lease deed was executed in the joint names of father of the plaintiff and the plaintiff as the entire money was paid from the account of the plaintiff himself and the name of the father was only added due to love and affection. It is stated that due to an oversight by the earlier counsel, plaintiff did not incorporate important averments regarding the plaintiff’s legal status as of a co-auctioneer

purchaser and due to omission, the fact was not specifically pleaded in the plaint. It is stated that, however, the Para-11 of the original plaint states that the name of the father of the plaintiff was added due to love and affection and that the plaintiff had paid all the money to DDA at the time of allotment. It is stated that in order to avoid any multiplicity of litigation, plaintiff wishes to add Para-13(a) after Para-13 stating that the plaintiff is a co-auctioneer purchaser and co-lessee of the suit property. Plaintiff further wishes to add Para-(iii)(a) after prayer No.3 to the effect that in the alternative a decree of declaration may be passed that plaintiff has independent legal right in the capacity as the co-auctioneer purchaser and co-lessee in respect of the suit property. It is stated that the amendment is only for the purpose of clarification with regard to plaintiff's claim of title and not contrary to the pleadings already made and has only been made for the purpose of further elucidation of facts and pleadings.

2. In response it has been stated by the defendant/DDA that the suit plot has been obtained by the plaintiff and his father by concealment of other owned properties and, therefore, the application is liable to be dismissed. It is further stated that the proposed amendment will change the nature of the case and has been filed with huge delay and, therefore, the application shall be dismissed.

3. It is stated that upon noticing that Sh. Tilak Raj i.e. the father of the plaintiff owns other properties and, therefore, show cause notice dt.17/01/1990 was issued and as the plaintiff did not give any satisfactory response the allotment/lease was cancelled and communicated vide letter dt.29/04/2005. It is thereafter stated that the Estate Officer has also passed an eviction order in respect of the suit property.

4. Thereafter, rejoinder was also filed by the plaintiff in respect to the reply filed by the defendant/DDA. Inter alia it was stated by the plaintiff that there has been no concealment of fact by the plaintiff and amendments in the plaint are relevant for the purpose of deciding the main issue involved. It is further stated that the factual foundation in respect of the matters mentioned in the amendment application are already laid down in the plaint originally filed and the amendment is only intended to correct the factual error and elucidate the controversy.

5. Arguments were heard and record was perused.

The plaintiff has filed the present suit against the defendant/DDA seeking the injunction against the dispossession from the suit property, declaration that the cancellation letter dt.29/04/2005 issued by the DDA be declared as null and void and mandatory injunction directing the DDA to restore the lease deed of the suit property. It is stated in Para-11 of the plaint that an affidavit of the father of the plaintiff was submitted in response to the show cause notices issued by the defendant/DDA whereby it is clarified that the name of the father of the plaintiff was added only due to love and affection and to pay honour to the father of the plaintiff and the father of the plaintiff has no claim over the property in question. It was also clarified that plaintiff has paid all the money to the DDA at the time of allotment.

6. Whereas on the other hand, the case of the defendant is that when the application for conversion dt.17/12/1999 was received from plaintiff and his father, a show cause notice dt.17/01/1990 was issued as it was noticed that Sh. Tilak Raj i.e. father of the plaintiff along with his son and wife has more properties in their names. It is stated that thereafter the application for conversion from lease hold to free hold dt.16/12/1999 was filed. It is alleged that due to the contravention of

terms and conditions of the auction, the allotment/lease was cancelled through letter dt.29/04/2005.

7. Issues in the present suit were framed vide order dt.13/04/2009 and the matter is still at the stage of plaintiff's evidence. In the present application the plaintiff has sought addition of Para-13(a) which clarifies the plaintiff's locus in the suit as that of a co-auctioneer purchaser and co-lessee and a relief in the alternative i.e. (iii)(a) that in the alternative a declaration be passed declaring the plaintiff as independent legal right in its capacity as co-auctioneer purchaser and co-lessee.

8. Comprehensive perusal of the original plaint and the documents filed thereby shows that the plaintiff has in fact already revealed that the name of the father of the plaintiff was only added due to love and affection and the money was paid by the plaintiff himself which has been the consistent story of the plaintiff throughout the present case. The objections taken by the defendant/non-applicant to the present application are on the merits of the suit which are not to be considered at the stage of deciding the present application filed U/O VI R.17 CPC. Even though, the present application has been filed at a highly belated stage yet this court is of the considered opinion that the application does not change the nature of the case and does not introduce any new fact which was not within the knowledge of the defendant/DDA. The application only elucidates the matter in controversy and clarifies the locus of the plaintiff qua the suit property.

9. In view of aforesaid observations, the application is hereby allowed. Let the amended plaint be taken on record. The defendant/DDA is at liberty to file written statement to the amended plaint within 30 days from today after supplying advance copy to the

plaintiff. The application has been filed with a huge delay as the case pertains to the year 2007 and the application was filed on 01/12/2017 i.e. after a substantial delay. Therefore, a cost of Rs.10,000/- is hereby imposed upon the plaintiff to be paid to the defendant/DDA before the next date of hearing.

10. As substantial opportunities have already been given to the plaintiff for leading evidence, it is clarified that no more than one opportunity shall be given to the plaintiff for concluding evidence and in case the plaintiff fails to complete its evidence on the next date of hearing the PE shall be closed and matter shall be proceeded forthwith.

Now, put up for PE by way of last opportunity on 29/10/2020.

Put up for purpose fixed on 29/10/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

IN THE COURT OF SH. BHARAT AGGARWAL, CIVIL JUDGE-02
(WEST), TIS HAZARI COURT, DELHI

SUIT NO. /2020

Sh. Shyam Lal

Plaintiff

Versus

Sh. Prem Narayan & Another

Defendants

THROUGH CISCO WEBEX VIDEO CONFERENCING

Date:18/08/2020

Fresh suit received by way of assignment by Ld. SCJ, Delhi through email at the office email address i.e. readercj02west@gmail.com of this court. Let it be checked and registered.

Present: - Sh. Sh. Manoj Kumar, Ld. Counsel for plaintiff.

Heard on consideration. During the course of arguments counsel for the plaintiff stated that he does not press upon the relief Clause (a) pertaining to the declaration and want to continue the suit only in respect of injunction.

Let an affidavit be filed by the plaintiff disclosing the E-mail address and Whatsapp Mobile number of the defendants.

After filing of the affidavit let summons of the suit and notice of interim application U/O XXXIX R.1 & 2 CPC be issued upon the defendants through Whatsapp, E-mail and through Speed Post, Courier, etc.

Let an affidavit of service be filed at least three days in advance of the next date of hearing by the plaintiff.

Let the complete original paper book be filed in physical form in court within three days from today.

Put up for further proceedings on 04/09/2020.

A copy of this order be sent to the filing/computer branch Tis Hazari Court, Delhi for uploading the same on the official website of District Courts.

Bharat Aggarwal
C.J-02, West, THC, Delhi
dt.18/08/2020

