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

CNR No. DLHC010310442026

+ **C.R.P. 201/2026 & CM APPL. 45023/2026**

ARCHANA GAUR

.....Petitioner

Through: Petitioner in person.

versus

KABIR KUMAR HAZARIKA & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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25.08.2026

1. This Revision Petition has been filed assailing the order dated 30th March 2026 passed by the District Judge, South District, Saket Courts, New Delhi in **CS DJ No. 522/2023**, whereby her application filed under Order I Rule 10 of the Code of Civil Procedure, 1908 ('**CPC**'), seeking deletion of her name from the array of parties in the suit, was dismissed.
2. The suit was filed by the respondents for specific performance of Agreement to Sell of the property bearing *House No. 28, Flat No. T-2, 3rd Floor, Gautam Nagar, New Delhi-110049*. It was stated in the plaint that the suit property was a single bedroom admeasuring 450 square feet.
3. It is stated that the defendant no. 1 (*Rajesh Dutt Sharma*), claiming to be the owner of the suit property, had approached the plaintiff no.1 and his father for sale of the subject property. The agreement was made for sale consideration of Rs.6,00,001/-. The Agreement to Sell was entered into on



08th August 2004. Full sale consideration was paid by way of cheque in 2004. The keys of the suit property were handed over to the father of plaintiff no. 1, and they took peaceful and vacant possession. Electricity connection was also provided by BSES, Rajdhani Power Ltd. on 23rd November 2005.

4. The plaintiff stated that they were in peaceful possession of the property and have been paying property tax. However, since the defendant no.1 did not perform his part of the contract for execution of the sale deed, despite requests, the suit was ultimately filed by the plaintiff. In the meantime, the father of plaintiff no.1 passed away in 2013, and plaintiff no.1 and plaintiff no.2, mother of the plaintiff no.1, continued the proceedings.

5. On 17th September 2020, a Legal Notice dated 15th September 2020 was sent by defendant no.2 (*petitioner herein*), claiming to be the new owner of the property. It was stated by the petitioner/defendant no. 2 that she acquired a General Power of Attorney and a Will from defendant no.1 on 27th October 2010. The plaintiffs came to know of this development for the first time through this notice.

6. Defendant no.2/petitioner also instituted a suit for eviction/possession on 17th November 2020 against the plaintiffs.

7. Another civil suit for permanent and mandatory injunction was filed by the plaintiffs, as defendant no. 1 had threatened to disconnect the water supply to the plaintiffs as well as their neighbours. This resulted in an out-of-court settlement, and a Compromise Deed dated 21st February 2006 was executed.



8. The plaint contains various averments regarding the conduct of defendant no. 1 in failing to execute the sale deed, subsequently transferring the property through a GPA and a Will, and thereafter purportedly transferring his interest in the property to his wife (*defendant no. 2*).

9. In this background, an application under Order I Rule 10 of the CPC was moved by the petitioner herein seeking deletion of her name from the array of parties. The application was dismissed by the Trial Court.

10. *Ms. Archana Gaur*/petitioner appears in person and states that the specific performance can only be granted against defendant no.1, her husband, who had signed the Agreement to Sell, and she would have no role to play in the said trial.

11. *Ms. Archana Gaur*, when confronted with the decision in ***Suraj Lamp & Industries Pvt. Ltd. v. State of Haryana*** (2012) 1 SCC 656, states that the said decision is prospective in nature, and she is claiming rights as an owner of the property.

12. In the opinion of this Court, this contention, in the peculiar facts and circumstances of the case, is liable to be rejected. It is the petitioner/defendant no. 2 who has categorically asserted a right in the property.

13. In view of the above, there is absolutely no reason why she should be deleted from the array of parties. It is only after the trial before the Trial Court that issues relating to the respective rights and obligations of the parties will crystallize.



14. In this view of the matter, petition is dismissed. Pending applications are rendered infructuous.

15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 25, 2026/ak/bp