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

CNR No. DLHC010390232026

+ **C.R.P. 243/2026&CM APPL. 56307/2026CM APPL. 56308/2026
CM APPL. 56309/2026**

ARVIND AGGARWAL

.....Petitioner

Through: Mr. Rahul Shukla, Mr. Ramandeep Singh, Ms Bachita Baruah Shukla, Ms. Eshita Baruah, Mr. Manish, Advocates.

versus

BABU LAL GUPTA

.....Respondent

Through: Mr. Gaurav Malhotra, Adv with Mr. Nishant Kumar, Advocates for respondent.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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20.08.2026

1. This petition has been filed seeking to set aside the impugned order dated 08th April 2026 passed by the District Judge, East District, Karkardooma Courts in C.S No. 415/2023, dismissing the application under Order VII Rule 11 of the Civil Procedure Code, 1908 (**'CPC'**).
2. The Court has perused the impugned order. It appears that, upon a perusal of the plaint, the Trial Court noted that the documents on the basis of which the plaintiff is seeking a declaration in respect of the property comprise a General Power of Attorney (**'GPA'**), Agreement to Sell,



Registered Will, Affidavit, Possession Letter and Receipt, all dated 08th December 1998 and were executed by late *Sh. Hari Shankar Aggarwal* in favour of the plaintiff/respondent.

3. This Court is quite cognizant of the fact that no party can seek title on the basis of *Agreement to Sell* and GPA. However, the impugned award notes that there was also a registered Will.

4. *Mr. Rahul Shukla*, counsel for petitioner, contends that the petitioner has a registered sale deed of the property, which was executed in his favour by his mother. His mother, in turn, got the property from her husband/the petitioner's father, who had received the same through testamentary succession from the petitioner's grandfather, *Sh. Hari Shankar Aggarwal*.

5. The Trial Court has noted that the question of whether the documents executed by late *Hari Shankar Aggarwal* after executing documents in favour of plaintiff/respondent were forged and fabricated is a matter that would be subject to trial.

6. It is a settled law that these aspects will have to be considered in trial, considering the documents in question have been challenged and the application under Order VII Rule 11 has to be considered on the basis of contents in the plaint.

7. The Trial Court has noted that *Sh. Hari Shankar Aggarwal* executed a registered Will in favour of the plaintiff on 08th December 1998, and has passed away. On a plain reading of the plaint and without going into the merits of the matter, the assertion in Order VII Rule 11 application will not subsist.

8. Accordingly, there is no reason to interfere with the impugned order. Accordingly, the same is dismissed. Pending applications, if any, are



rendered infructuous.

9. Needless to state, the Court has not passed any observation on the merits of the matter.

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

ANISH DAYAL, J

AUGUST 20, 2026/RK/bp