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

+ CS(OS) 76/2016 & I.A.No. 2325/2016(stay)

SHRI DHARAMBIR SINGH ..... Plaintiff  
Through: Mr. Yudhvair Singh, Advocate.  
versus

SHRI SURAJBIR SINGH & ORS ..... Defendants  
Through

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

% **07.04.2016**

1. On 4.3.2016 the following order was passed:-

“1. As per paras 6 and 7 of the plaint, plaintiff claims to be the co-owner by joint purchase of the suit property being a piece of land in Killa No. 62 of the revenue estate of Village Mitraon, measuring 1143 sq. yds and which property is now known as H.No. 20, Bosco Colony, Shyam Enclave, Dhansa Marg, Gopal Nagar, Najafgarh, New Delhi-110043

2. Paras 6 and 7 of the plaint are totally vague inasmuch as there is no date given of a specific document showing how the plaintiff is the co-owner by joint purchase of the suit property. The Order 6 Rule 4 CPC requires necessary particulars to be given in the plaint to exactly show how a person becomes owner of a suit property and which is an immovable property, and with respect to which either there will be registered documents as per Section 17(1)(b) of the Registration Act or if the documents are prior to 24.9.2001 when Section 53-A of the Transfer of Property was amended by Act 48 of 2001, then an agreement to sell or an irrevocable power of attorney etc.

3. In the absence of plaintiff stating in the plaint the details as to how plaintiff has become the co-owner of the suit property, including by not filing documents to show co-ownership of the property, the suit is liable to be dismissed at this stage unless the plaintiff files on record the necessary documents and/or includes the averments in the plaint showing as to how plaintiff is the co-owner of the suit property and by which specific documents. The documents of co-ownership of the plaintiff obviously would be with the plaintiff, and if not originals, at least photocopies of the same or the name of the plaintiff would be shown in the municipal records or the revenue records as a co-owner of this

property and, therefore, there is no reason for the plaintiff not to file documents and give details in the plaint showing how the plaintiff is the co-owner of the suit property.

4. At this stage, counsel for the plaintiff seeks time to file necessary documents and give particulars as to how plaintiff has become co-owner of the suit property which is the subject matter of paras 6 and 7 of the plaint.

5. List on 7<sup>th</sup> April, 2016.”

2. Counsel for the plaintiff concedes that there are defects existing in the suit plaint as recorded in the order dated 4.3.2016 and therefore, the plaintiff seek to withdraw the present suit but liberty is prayed for filing of a fresh suit subject to removal of all the defects as stated in the order dated 4.3.2016.

3. Accordingly, this suit is allowed to be withdrawn and liberty is granted provided the plaintiff ensures in the fresh suit to be filed that objections which have been set out against the plaintiff with respect to a plaint filed, in the order dated 4.3.2016, do not exist in the fresh suit plaint.

4. Suit is accordingly allowed to be withdrawn with the aforesaid liberty.

5. Plaintiff will mention the present order in any fresh suit which will be filed by the plaintiff.

**VALMIKI J. MEHTA, J**

**APRIL 07, 2016/ib**  
**CS(OS) 76/2016**

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