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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 4072/2015 & C.M. No.7286/2015**  
**SUNITA**

..... Petitioner

Through Mr.N.S.Dalal, Advocate.

versus

**NARESH KUMARI & ORS**

..... Respondents

Through Mr.Satyakam, Addl.Standing Counsel  
along with Mr.Naveen Jakhar,  
Advocate for R-7.

**CORAM:**  
**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

% **05.08.2016**

Petitioner is aggrieved by the order passed by the Financial Commissioner. The order is dated 10.02.2015. This order was passed on a revision petition which has been filed by the petitioner impugning the order passed by the SDM. The Financial Commissioner had endorsed the view taken by the SDM.

Record shows that the present petitioner Sunita Devi had filed proceedings under Section 55 of the Delhi Land Reforms Act. These proceedings were pending. Her contention is that she alone along with others has bhumidhari rights in the aforementioned disputed land; it is the bhumidhar alone who can contest proceedings under Section 55 of the Delhi Land Reforms Act. The application under Order 1 Rule 10 of the CPC was allowed by the SDM (filed by one Naresh Kumari)

which view had been endorsed by the Financial Commissioner as Naresh Kumari being a registered gift deed holder was held to be a proper and necessary party and was accordingly impleaded as a party in the pending proceeding under Section 55 of the Delhi Land Reforms Act. Submission is that the Scope of that provision could not have been enlarged.

Learned counsel for the respondent has put in appearance. He has instructions to assist this Court. He submits the impugned order suffers from no infirmity and the Financial Commissioner has noted the facts in the correct perspective.

The Financial Commissioner had noted that Naresh Kumari (the person who had filed the application under Order 1 Rule 10 of the CPC before the SDM) had a registered gift deed in her favour. This gift deed for a portion of the land had been gifted to her by Subhash Chander who is none other than but the husband of the petitioner Sunita Devi. The presumption of the legality of this registered document was in favour of Naresh Kumari. The SDM was thus rightly of the view that since part of the bhumidari rights vested in favour of Naresh Kumari the litigation under Section 55 of the DLRA would have a direct effect on the rights of Naresh Kumari as such she was a necessary and a proper party. The fact that the husband of the petitioner had executed this gift deed in favour of Naresh Kumari is an admitted fact. Suit qua this gift deed is still to be pending.

The order of the Financial Commissioner in this background endorsing the view of the SDM and holding that Naresh Kumari

having an interest in the property her presence was thus necessary and proper for an effective and complete adjudication of the issues involved is an order which suffers from no infirmity. This Court does not wish to interfere, in its writ jurisdiction, in the order passed by the Financial Commissioner which is a fair order.

This petition is dismissed.

**INDERMEET KAUR, J**

**AUGUST 05, 2016**

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