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

+ **W.P.(C) 7793/2018**

MRS ASHA AJMANI

..... Petitioner

Through: Mr C. S. Rathore and Mr Sunil Nair,
Advocates.

versus

SUB REGISTRAR I AND ORS.

..... Respondents

Through: Mr Ajjay Arora with Mr Kapil Dutta,
Advocates for NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **27.07.2018**

CM No. 29899/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 7793/2018 & CM No. 29900/2018

2. The petitioner has filed the present petition, inter alia, praying as under:-

“A) Issue appropriate Writ, Order or Direction directing the respondents no.1 and 2 to conduct appropriate inquiry and Impound and Cancel the illegal Gift Deed of Govt. land /MCD property which was issued for rented/licenced fee basis bearing NO.9595 dtd. 28.10.2015 entered in the Book No.1, Volume No.5968, in the office of Sub-Registrar-I, New Delhi/respondent no.1 having been illegally and fraudulently executed by Smt. Darshan Ajmani, wife of Late Sh. Ram Avtar Ajmani/Respondent No.4 in favour of the Sh. Lokesh Ajmani i.e. Respondent no.3.”

3. The petitioner is essentially aggrieved by execution of the Gift Deed dated 28.10.2015, which has been executed by the petitioner's mother in law (respondent no.4) in favour of respondent no.3.

4. The petitioner states that the property in question – a Shop No.787, Old Lajpat Nagar Market, Chandni Chowk – was allotted to Shir Daulat Ram S/o Shri Sunder Das on 30.09.1965. Shri Daulat Ram expired on 15.04.1975. It is claimed on the demise of Shri Daulat Ram, the property devolved on his son, Shri Ram Avtar (since deceased). Shri Ram Avtar expired on 14.06.2004 and was survived by his widow, Smt. Darshan Ajmani (respondent no. 4); his sons – Shri Sandeep Ajmani and Shri Lokesh Ajmani; and a daughter.

5. It is stated that Shri Sandeep Ajmani also expired on 30.04.2015 and is survived by his widow (the petitioner herein) and two minor children, namely, Master Vaibhav Ajmani and Ms Harshita Ajmani. It is the petitioner's case that Late Sh Ram Avtar expired intestate and therefore all his class-I legal heirs including the petitioner's deceased husband acquired equal shares in his estate, which also included the property in question. Consequently, the petitioner and her children also inherited the part of the property being the heirs of Late Shri Sandeep Ajmani.

6. The essential grievance of the petitioner relates to a Will produced by respondent no.4 claiming that the property in question was bequeathed by her husband (Late Shri Ram Avtar) in her favour. On the basis of the said Will, respondent no.4 has executed a Gift Deed, which is at the heart of controversy sought to be raised – although indirectly – by the petitioner by way of this petition. The petitioner alleges that the said Will is fabricated/forged.

7. This Court is of the view that it would not be apposite to examine the controversy involved in the present petition in these proceedings for the reason that it would inevitably lead to considering disputed questions of fact. Further, one of the issues raised in the present petition is also an allegation that the Will is forged. Clearly, the said matter also cannot be examined in these proceedings. In view of the above, the petition is disposed of by leaving it open for the petitioner to seek appropriate remedies in accordance with law. Needless to state that if the petitioner prevails in any of such proceedings the consequential orders can also be passed for the same to be implemented by the Registrar.

8. At this stage, the learned counsel for the petitioner seeks liberty to approach the Registrar. In this regard it is clarified that the petitioner is not precluded from approaching the Registrar; however, her request for any relief can be considered by the Registrar, only in accordance with law.

9. The petition is disposed of. The pending application is also disposed of.

VIBHU BAKHRU, J

JULY 27, 2018

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