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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 23rd August, 2021

+ **C.R.P. 33/2021**

RAMESH CHANDER GUPTA Petitioner
Through: Mr. Sachin Gupta, Mr. Pratyush Rao
and Ms. Jasleen Kaur, Advocates.

versus

ASLAM KHAN & ORS. Respondents

Through: Mr. D. Hasija, Advocate for R-1.
Mr. Anish Dhingra & Mr. Nakul
Ahuja, Advocates for R - 2 & 3.
Ms. Mrinalini Sen, Standing Counsel
for DDA.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through video conferencing.
2. The present petition has been filed challenging the impugned order dated 16th March, 2021, passed by the Id. ADJ-01 (South) District Courts, Saket, New Delhi, by which no summons have been issued to Defendant Nos.2 and 3 i.e. the DDA and the PM UDAY Cell, by the Id. Trial Court and they have been deleted from the array of parties as being neither necessary nor proper parties to the suit.
3. The suit filed by the Petitioner/Plaintiff is one for cancellation of blank signed papers/ documents which were in the possession of the Defendant No.1, bearing the signatures of the Plaintiff. In the suit, a mandatory/permanent injunction has also been sought against Respondent no.1/Defendant No.1 in respect of property bearing 2 Bigha, H. No.-260A (Old:152), Block A, Khasra No-46, Ambedkar Colony, Chhatarpur, New

Delhi.

4. The prayers in the suit are as under:-

“It is therefore, respectfully prayed that this Hon’ble Court may be pleased to pass the following decree in favour of the plaintiff and against the defendants, in the interest of justice:-

a. For declaring that the defendant no. 1 has no right, title or interest in respect of the property no. A-260 (Old No. 152), Block -A, Khasra - 46 Ambedkar Colony, Andheria More, Chattarpur New Delhi-110074, or any part thereof;

b. For cancellation of said blank signed papers/documents in the power and possession of the defendant no. 1, having the signatures of the plaintiff;

c. For mandatory injunction in favour of the plaintiff, thereby directing the defendant no. 1 to deliver the said blank signed papers/documents in the power and possession of the defendant no. 1, having the signatures of the plaintiff, to the plaintiff;

d. For permanent injunction in favour of the plaintiff, thereby restraining the defendants from creating any right, title or interest in favour of the defendant no. 1, in respect of the said property no. 152, Block -A, Khasra-46 Ambedkar Colony, Andheria More, Chattarpur New Delhi—110074, without the registered transfer documents, written consent or approval of the plaintiff;

e. To pass such other order(s) which the Hon’ble Court may deem fit and proper in the facts and circumstances of the case in favour of the plaintiff and against the defendants.”

5. According to the Plaintiff, if any documents are registered or rights of the Defendant No.1, based on the signatures on blank papers, are recognised by the DDA or under directions of the PM UDAY Cell, in favour of the

Defendant No.1, the Plaintiff would be irreparably prejudiced, and hence he has made the DDA and the PM UDAY office parties in the suit before the Trial Court.

6. The Trial Court has considered the matter and has held that the Defendant Nos. 2 and 3 are not necessary or proper parties and they ought not to be impleaded, and accordingly, no summons have been issued against them. Mr. Gupta Id. Counsel's contention is that if any complaint is decided by the PM UDAY Cell in respect to the application filed on its portal by the Respondent No.1, the Petitioner's interest may be irretrievably affected.

7. On behalf of Respondent No. 1, it is submitted that according to the office order dated 26th October, 2020 of the DDA, PM- UDAY Cell bearing F. No. LM/PM/0006/2020/UDAY/POL/331, the Petitioner's grievance is addressed, to the extent that if there is any objection filed on the PM UDAY Cell portal regarding there being a dispute to the title of the property, in the nature of a suit before the Trial Court, the application would be proceeded further by the DDA or the PM UDAI Cell only after the case before the Trial Court is decided. Thus, there is no merit in the apprehension expressed.

8. On behalf of the DDA, it is submitted by Mr. Dhingra, Id. Counsel that the DDA has no role to play in a private dispute and accordingly he submits that rightly the summons have not been issued to the DDA by the Trial Court.

9. A perusal of the plaint before the Trial Court shows that the dispute is primarily between the Petitioner and the Respondent No.1, who are the Plaintiff and the Defendant No.1 before the Trial Court. It is a private dispute relating to monetary transactions, and some documents which are claimed to have been signed by the Plaintiff. Though, there is no doubt that

the Plaintiff has filed some complaints in respect of these alleged documents, in the PM UDAY Cell portal on 8th February, 2021, the dispute is one between the Plaintiff and Defendant No.1, and the DDA and the PM UDAY Cell can obviously not be made parties to the suit in such a matter. If authorities are impleaded unhesitatingly, they would be forced to defend unnecessary legal proceedings. The only apprehension of the Plaintiff is that some rights may get conferred if the Defendant no.1 uses the documents which are subject matter of the suit and is able to get a recordal or some recognition of rights based on the said documents. The same can be easily assuaged by ensuring that the Plaintiff's case is duly placed before the authorities and considered. The said authorities need not be impleaded as Defendants for this purpose. Thus, the order of the Trial Court, which has issued summons only to Defendant No. 1 and deleted the DDA and the PM UDAY Cell, does not warrant any interference by this Court.

10. Mr. Hasija, Id. Counsel, submits that his client has made an application before the DDA which would have a unique ID. Accordingly, he assures the Court that the details of the said unique ID and the copies of the documents including the application, would be supplied to the Id. Counsel for the Petitioner, so that the Petitioner can avail of his remedies in accordance with law. The objections by the Petitioner, before the DDA, if any, to the application of Defendant no.1, may be filed within a period of one month from the date when the unique ID and the documents are supplied to the Petitioner. The suit shall now proceed further before the Trial Court, only in respect of Defendant No. 1.

11. With these observations, the present petition with all pending applications is disposed of.

12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as the certified copy of the order for the purpose of ensuring compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.

PRATHIBA M. SINGH
JUDGE

AUGUST 23, 2021
MR/AK

