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

Date of decision: 06.12.2023

+ CM(M) 1344/2017 & CM APPL. 44072/2019 CM APPL. 47021/2022

INDERPAL SINGH

..... Petitioner

Through: Mr. Alok Kumar Rai and Ms. Neetu Rai, Advocates alongwith Petitioner in person

versus

PRAVEEN KUMAR & ANR

..... Respondents

Through: Mr. Sunil Goyal, ASC for MCD and Ms. Pooja Joshi, Advocate
Mr. Rajpal Gulia and Ms. Jagrati Singh, Advocates for R-3 and 4

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+ CONT.CAS(C) 1022/2019

INDER PAL SINGH

..... Petitioner

Through: Mr. Alok Kumar Rai and Ms. Neetu Rai, Advocates alongwith Petitioner in person

versus

PRAVEEN KUMAR & ORS

..... Respondents

Through: Mr. Sunil Goyal, ASC for MCD and Ms. Pooja Joshi, Advocate
Mr. Parth Goyal, Advocate on behalf of Mr. Jawahar Raja, ASC (C) GNCTD for R-3 with SI Kishan Chand PS Bindapur

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Signature Not Verified

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By: MAHIMA SHARMA
Signing Date: 13.12.2023
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CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 47021/2022

1. This is an application filed by the Respondent Nos. 1 and 2 for seeking permission to place on record the indemnity bond dated 30.12.2008 executed by Petitioner and submitted to Delhi Jal Board ('DJB').
2. In view of the submissions of the Petitioner admitting that he has executed this indemnity bond, the said application is allowed and the said indemnity bond is taken on record.

CM APPL. 51830/2019

3. This is an application filed by Sh. Ramesh Kumar and Sh. Anand Prakash under Order I Rule 10 read with Section 151 of Code of Civil Procedure, 1908 ('CPC') seeking impleadment as Respondent Nos. 3 and 4 in CM(M) No. 1344/2017 as well as vacation of the stay order dated 30.09.2019.
4. The said individuals were impleaded as Respondent Nos. 3 and 4 respectively, vide order dated 19.04.2022 and this application stands partly allowed to the said extent.
5. The Respondent Nos. 3 and 4 are further seeking vacation of the interim order dated 30.09.2019, whereby this Court stayed the further construction of the Shop at suit property i.e., property No. RZ-1, Nandram Park, Block-F, Mahavir Enclave Part – III, New Delhi ('suit property').
6. The learned counsel for the Applicants/ Respondent Nos. 3 and 4



states that the said Respondents have exclusive proprietary rights in the suit property by virtue of unregistered agreement to sell, GPA, receipt all dated 14.02.1994; and the registered Will dated 14.02.1994 executed in their favour by the vendee, Sh. Krishan Singh. She states that Sh. Krishan Singh himself acquired proprietary interest in the suit property by allied documents dated 02.01.1987. She relies upon the documents of chain of title placed on record under the cover of index dated 14.02.2020.

6.1. She states that Respondent Nos. 3 and 4 are in exclusive possession of the suit property which is bounded by a boundary wall and there is a single room constructed therein.

6.2. She states that Respondent Nos. 1 and 2 have no right, title and interest in the suit property and therefore, the said Respondents could not have inducted the Petitioner herein as a tenant in the suit property.

6.3. She states that the chronology of the facts set out by the Petitioner with respect to his relationship with Respondent Nos. 1 and 2 is ex-facie false. She states that as per the Petitioner he was inducted as a tenant in the suit property by Respondent Nos.1 and 2 respectively in the year 1995.

6.4. She states however, in view of the admitted fact that Respondent No.1 was born on 13.07.1988 and Respondent No.2 was born on 18.05.1987, the said Respondents were aged around 09 years in the year 1995, when purportedly the Petitioner herein was inducted as a tenant.

6.5. She states that it is therefore, evident that a false case has been set up by the Petitioner herein in collusion with Respondent Nos. 1 and 2 before the Civil Court in civil suit no. 179/2009. She states that both the Petitioner and Respondent Nos. 1 and 2 have misled and practiced fraud on the said Trial Court for passing a consent decree on 29.07.2009. She states that



Respondent Nos. 3 and 4 are not bound by either the said decree or by the statements made by the Respondent Nos. 1 and 2.

6.6. She states that therefore, the interim order dated 30.09.2019 has been obtained by the Petitioner herein by misrepresenting facts.

7. In reply, learned counsel for the Respondent Nos. 1 and 2 as well confirms that Respondent Nos. 1 and 2 have no concern with the suit property. He states that Respondent No.2 as well confirms that the facts set out in the plaint i.e., CS 179/2009 are false to the knowledge of the Respondent Nos. 1 and 2. He states that Respondent Nos. 1 and 2 under a mistaken belief appeared before the Trial Court and made the said statement without understanding the import of the statement. He states that at the relevant time they were barely at the age 18 years and made an incorrect statement before the Court.

7.1. He further states that, in fact, the counsel who represented Respondent Nos. 1 and 2 before the Trial Court in CS 179/2009 had been engaged by the Petitioner for Respondent Nos.1 and 2.

7.2. He also relies upon the contents of CM APPL. 47021/2022 filed by Respondent Nos. 1 and 2. He states that the Respondent Nos. 1 and 2 have placed on record along with this application, an indemnity bond dated 30.12.2008, filed by the Petitioner herein before DJB claiming himself to be the owner of the suit property. The relevant portion of the indemnity bond reads as under:

“THIS INDEMNITY BOND IS MADE AND EXECUTED AT DELHI ON THIS 31.12.2008 by Sh. Inder Pal S/o Sh. Moola Singh R/o RZ-F-1, Nand Ram Park, Mahavir Enclave- III, New Delhi, in favor of Delhi Jal Board.

Whereas I am the lawful owner/occupier of the above said house property for area 11 sq. yds. purchased through GPA and I have



applied for water connection in my name but the GPA documents has been misplaced by me and same is not available at present.

WHEREAS the DJB is requested for sanctioned the water connection in my name at the above said address for which I have clarify that I am in possession of 11 sq. yds. area only at the above said address and I also undertake that I will be fully responsible for any dispute regarding the said property/connection in future.

Now this indemnity bond witnesses I shall indemnify that I will be fully responsible for any dispute regarding the said water connection/property and I undertake to pay any right, dues demanded by Delhi Jal Board.”

(Emphasis Supplied)

7.3. He states that the contents of the indemnity bond show that the Petitioner herein is making false representation before Courts and statutory authorities with a view to usurp the suit property.

8. In reply, learned counsel for the Petitioner states that he admits that the Petitioner is not aware of any title documents standing in favour of the Respondent Nos. 1 and 2, which would entitle the said Respondents to induct the Petitioner as a tenant in the suit property.

8.1. He, however, states that he stands by the statement made in the plaint filed in CS 179/2009 that Respondent Nos. 1 and 2 inducted the Petitioner in the suit property. He states that it is correct that the Respondent Nos. 1 and 2 were about 09 years old in the year 1995, however, they were accompanied by their grandmother and the Petitioner therefore, negotiated with the grandmother of Respondent Nos. 1 and 2 namely Mrs. Sunehri Devi with regard to the tenancy. He states the Petitioner is not aware of any title documents which stand in the name of Mrs. Sunhari Devi either with respect to the suit property; so as to entitle her to induct the Petitioner as a tenant.

8.2. With respect to the indemnity bond dated 20.12.2008 executed and submitted to DJB, he states that the declaration of ownership made therein is



mere inadvertence on the part of the Petitioner, though he admits that such an indemnity bond was indeed executed and submitted to DJB by the Petitioner herein.

9. This Court has considered the submissions of the parties and perused the record.

10. Admittedly, the Petitioner herein has only dealt with Respondent Nos. 1 and 2 and their grandmother Mrs. Sunehri Devi, and he is not aware of any title documents standing in favour of the said Respondents qua suit property. In view of the said facts and circumstances, this Court is of the considered opinion that the statement made by the Respondent Nos. 1 and 2 before the Trial Court in CS 179/2009 on 29.07.2009 cannot bind the Respondent Nos. 3 and 4, who are in physical possession of the suit property and have placed before this Court an unregistered ATS, GPA and receipt all dated 14.02.1994; and the registered Will dated 14.02.1994 executed in their favour by Sh. Krishan Singh. The Respondent Nos. 3 and 4 have also placed on record a chain of title documents standing in favour of the seller Sh. Krishan Singh.

11. This Court also does not find any substance in the contention of the Petitioner that he was inducted as a tenant by Respondent Nos. 1 and 2 who were aged 9 years in 1995, through their grandmother Smt. Sunehri Devi. The said facts are not borne out from the record and this defence is clearly an afterthought. The falsity of the stand taken by the Petitioner is further evident from the indemnity bond dated 30.12.2008 executed by the Petitioner and submitted before the statutory authority i.e., DJB, where there is no mention of any relationship of landlord and tenant with Respondent Nos.1 and 2. On the contrary, the Petitioner has falsely represented in the



said indemnity bond that he is the owner of the suit property. The audacity of the Petitioner to file a false affidavit before a statutory authority to obtain a water connection evidences the lack of integrity of this party.

12. The Petitioner has also placed before this Court his identification documents which shows that Petitioner herein is an active member of a national political party and the same evidences that the Petitioner is a person with resources and influence and, therefore, his explanation that he filed an affidavit before the statutory authority i.e., DJB, asserting ownership right under a mistaken impression, ex-facie appears to be false.

13. Respondent Nos. 1 and 2 have disputed that they inducted Petitioner as a tenant and have also denied that they have any control or right in the suit property. The Petitioner is claiming all his rights through Respondent Nos. 1 and 2. The Petitioner has admitted that he has no documents to show Respondent Nos. 1 and 2 have any right in the suit property.

14. This Court is therefore, satisfied that no grounds are made for continuation of the interim order 30.09.2019 and the said order is hereby vacated.

15. Accordingly, the CM APPL. 51830/2019 stands allowed.

CM(M) 1344/2017

16. This petition filed under Article 227 of Constitution of India impugns the order dated 05.06.2017 passed by the Civil Judge, South West District, Dwarka Courts, New Delhi ('Trial Court') in Misc. SCJ No. 12/2015 (04/2016), titled as '**Inderpal Singh v. Praveen Kumar and Anr.**' whereby the Trial Court dismissed the contempt petition filed by the Petitioner against Respondent Nos.1 and 2.

17. This Court has perused the said impugned order wherein the Trial



Court has opined that if the Petitioner is aggrieved by the non-compliance of the decree dated 29.07.2009, he has an alternate remedy of executing the said decree. This Court finds no infirmity in the opinion expressed by the Trial Court.

18. In fact, in view of the observations made herein before in CM APPL. 51830/2019, it appears that the decree dated 29.07.2009 itself has been obtained by fraud on the Civil Court.

19. Accordingly, this petition is dismissed. Pending applications stand disposed of.

CONT.CAS(C) 1022/2019

20. In view of the orders passed earlier today in CM(M) 1344/2017, the present contempt petition as well stands dismissed. Pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 6, 2023/hp/aa

Click here to check corrigendum, if any