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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 2nd December, 2024***+ **C.R.P. 187/2023, CM APPL. 36208/2023 (stay)**

BARKHA SINGH

.....Petitioner

Through: Mr. Hrithik Jarodia Proxy for Mr.
Rajiv Mangla, Advocate.
Mr. Mir Akhtar Hussain, Advocate.

versus

VIKRAM

.....Respondent

Through: None

CORAM:**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G E M E N T(oral)****CM APPL.36209/2023 (Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. The Petition under Section 115 read with Section 151 of the *Code of Civil Procedure, 1908* ('CPC' hereinafter) has been filed on behalf of the *Petitioner (plaintiff in the Suit)* against the impugned Order dated 17.03.2023 whereby her Application for seeking Interrogatories, has been dismissed.
4. The revisionist has stated that Respondent-Vikram (Defendant in the Suit) has claimed that Smt. Bhagwati Devi, grandmother, who was the original owner of the Property bearing No. RZ-6-153, Raj Nagar-II, Palam,



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New Delhi admeasuring 100 sq. yards (*hereinafter referred to as* “subject property”) had sold 40 sq. yards of the subject property to him on the basis of Agreement to Sell, GPA, etc. dated 09.11.2009, for a consideration of Rs. 40,000/-, while her husband Shri Suraj Mal was alive and who died on 30.10.2017. The forged character of documents is evident because none of the family members of the family, particularly husband, son or daughter, had attested these fake documents.

5. It is submitted that the learned Additional District Judge has failed to appreciate Order on Interrogatories was extremely necessary to disclose who is presently in possession of 50 sq. yards of the subject property and from whom and when the subject property was purchased by Smt. Bhagwati Devi and also to produce the chain of documents of subject property in favour of Smt. Bhagwati Devi, are absolutely essential for determination of the controversy in the Suit.

6. Reliance has been placed by the Revisionist on the decisions in A.K. Aggarwal vs. Shanti Devi, WLC(RAJ)(UC) 60, Sonia Senroy of Mumbai vs. Amit Senroy of Mumbai, AIR 1998 BOM 302 and P. Balan vs. Central Bank of India, AIR 2000 KER 24 in support of her assertions.

7. *Learned counsel for the Respondent-Vikram (defendant)* has contested the present Revision Petition by submitting that all the facts and documents have already been placed on record. The Interrogatories pertain to the ownership of Smt. Bhagwati Devi from whom admittedly the Revisionist/Plaintiff as well as the Respondent-Vikram, is deriving their title.

8. It is submitted that the learned Additional District Judge has rightly dismissed the Application for Interrogatories, and the present Revision



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Petition is without merit and is liable to be dismissed.

9. **Submissions heard and the record perused.**

10. The present petition raises a significant question about the objective and the scope of Interrogatories in a Trial. The scope of Order XI CPC was considered in the case of A.K. Aggarwal, (supra), wherein it was observed that Order XI of CPC, 1908 does not deserve a technical or a truncated approach in order to save the time of the Court and costs of litigations. The object of Order XI of CPC, 1908 is not only merely to discover the facts which will inform the plaintiff as to evidence to be obtained, but also to save the expense of proving a part on the case. Interrogatories are not limited to giving a knowledge to the Plaintiff of that which is not already known, but also include in getting admissions of anything which will prove any issue which is raised between the Plaintiff and the Defendant. It was further observed that a party has a right to interrogate with a view to obtaining an admission from his opponent of everything which is material and relevant to the issue raised in hand. It is no reason to decline the interrogatories by saying that some information may be gotten by way of cross-examination, during the trial.

11. Similarly, in Sonia Senroy of Mumbai, (supra), it was observed that as a general rule, interrogatories are to be allowed, whenever the answer to them will serve either to maintain the case of the party administering them or to destroy the case. Similar were the observations made in P. Balan, (supra).

12. In the light of the aforesaid observations, the facts of the present case be now considered. *From the pleadings and the documents placed on record*, it emerges that the subject property admeasuring 100 sq. yards



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(83.6127 sq. meters) was originally purchased by Shri Suraj Mal who died on 30.10.2017.

13. The Petitioner/Barkha Singh (Plaintiff) had filed the copy of the Relinquishment Deed dated 06.02.2020, wherein it has been explained that Shri Suraj Mal, son of Shri Radha Krishan, was the owner of the subject property, having purchased the same from Shri Ganga Prasad and Shri Radhe *vide* Agreement to Sell dated 24.11.1980. Thereafter, Shri Suraj Mal died on 21.08.2010. He was survived by his wife, Smt. Bhagwati Devi, three daughters, namely, Manju Devi, Saroj Devi (Plaintiff), Lalita and son, Ramesh Dayal.

14. Smt. Bhagwati Devi also expired on 30.07.2018 at Delhi and was survived by the three daughters as the son, Ramesh Dayal had predeceased her. Smt. Lalita also expired on 15.05.2019 and was survived by his son, Vikas (Defendant).

15. Shri Suraj Mal also had two sons, namely, Gauri Shankar and Ramesh, who pre-deceased him and were unmarried and had no children. Smt. Manju Devi and Vikas, son of Lalita, relinquished their shares in favour of Smt. Saroj Devi who had become the owner of the subject property.

16. Smt. Saroj Devi having acquired the interest in the subject property by virtue of the Relinquishment Deed as placed on record, sold 50 sq. yards to the Revisionist/Plaintiff/Barkha Singh *vide* Sale Deed dated 16.03.2020 and delivered its peaceful possession to her.

17. According to the averments made in the Plaint by the Plaintiff Barkha Singh, though the possession was handed over to her in respect of the suit property, but according to her, the tenant Gurdev Yadav removed his goods,



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though it was represented that some old furniture etc., belonging to nephew of Smt. Saroj Devi was still lying in the room. Subsequently, she found that in the intervening night of 21/22.09.2021, the Respondent/Defendant-Vikram had encroached in her portion of the subject property. She thus, had filed the Suit for Possession.

18. The *Respondent/Defendant-Vikram* in his *Written Statement* has clarified that he is the owner and in possession of Property bearing **No. RZ-G153A**, Raj Nagar-II, Palam, Delhi, admeasuring 50 sq. yards out of the total plot.

19. From the respective averments made in the *Plaint* and in the *Written Statement* coupled with documents, it emerges that the subject property is of 100 sq. yards. Smt. Saroj Devi, who is the daughter of Shri Suraj Mal, the original owner of the subject property admeasuring 100 sq. yards, became the owner of 50 sq. yards of land by virtue of Relinquishment Deed executed in her favour by the other legal heirs of Late Shri Suraj Mal, her father.

20. Pertinently, the Respondent/Defendant-Vikram has not disputed that the subject property was originally owned by his grandfather, Shir Suraj Mal from where it came to his grandmother, Smt. Bhagwati Devi and then to their three daughters and son. In support of his ownership, he has placed reliance on the GPA and Agreement to Sell etc., dated 09.11.2009 in his favour in respect of remaining 50 sq. yards by Smt. Bhagwati Devi.

21. From the pleadings and the documents, it is evident that out of 100 sq. yards of plot, 50 sq. yards bearing No. **RZ-G153**, Raj Nagar-II is claimed to have been purchased by the Revisionist/Plaintiff, Smt. Barkha Singh, while the remaining 50 sq. yards bearing No. **RZ-G153A**, Raj Nagar-II is claimed



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to be in the ownership of Respondent/Defendant-Vikram. It has been categorically stated in the Written Statement that he has no concern with the Plot No. RZ-G-153. Raj Nagar-II, Palam, Delhi, but he has the ownership of Plot No. RZ-G-153A, Raj Nagar-II, Palam, Delhi.

22. Interestingly, both the parties are tracing the ownership from Suraj Mal and Bhagwati Devi, the requisite documents are all on record. The Revisionist/Plaintiff is seeking to have acquired the ownership by virtue of a Sale Deed executed in her favour by Smt. Saroj Devi which has not been challenged by any party.

23. In these circumstances, the three interrogatories sought in respect of the Title documents in favour of Bhagwati Devi or how she acquired ownership, is already disclosed from the documents on record.

24. The interrogatories have been rightly rejected by the learned Additional District Judge *vide* Order dated 17.03.2023.

25. In view of above, there is no merit in the present Revision Petition which is hereby dismissed.

26. The Revision Petition is disposed of along with the pending Application.

(NEENA BANSAL KRISHNA)
JUDGE

DECEMBER 2, 2024/RS