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

+ **RSA 244/2019 & CM APPL. 53377/2019**

RAM NIWAS @ RAME & ANR

.....Appellants

Through: Mr.Rajeev Chhibber and Ms.Kiran
Saini, Advs.

versus

ANOOP SINGH DAHIYA

.....Respondent

Through: Mr.Noor Alam and Mr.Aftab
Rasheed, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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25.09.2024

1. The Court has perused the proposed substantial question of law framed by the appellants.
2. Learned counsel appearing on behalf of the appellants submits that when the Appellate Court, by way of reversal of the judgment and decree passed by the Trial Court, came to the conclusion that there was no registration of the documents of sale or even of the General Power of Attorney etc., in favour of the original plaintiff, the suit for permanent injunction ought not to have been decreed. Learned counsel further submits that it was on the basis of the unregistered documents that the original plaintiff claims to have filed the Civil Suit and in absence of there being locus in his favour, even the suit was not maintainable.
3. I have considered the submissions made by the appellant and have



also perused the relevant record.

4. Paragraph no.26 of the impugned judgment and decree dated 30.01.2019 indicates that the appellate Court has categorically held that the plaintiff, though may not be the owner of the suit property, yet was entitled to the relief of permanent injunction to restrain the defendant from interfering into the peaceful uninterrupted enjoyment of the shop on the basis of documents placed on record as Ex.PW 1/1 to Ex.PW 1/6, which further find recognition from the documents placed on record as Ex.PW 1/7 to Ex.PW 1/9, which were found to have been admittedly executed by the appellant herein. The aforesaid paragraph of the impugned judgment reads as under :-

“26. However, the unregistered document Ex.PW-1/1 is the GPA and read with receipt Ex.PW-1/4, it is apparent that the said GPA was executed by Sh.Mahipal Singh for consideration and it has become irrevocable because of which the appellant/ plaintiff has acquired an interest in the suit property and in any case when it comes to the question of grant of injunction, the court is required to carefully maintain the equities and the defendants having not placed on record any document which could show their entitlement to the possession of the suit property. Therefore, though not an owner of the suit property but on the basis of the documents Ex.PW-1/1 to Ex.PW-1/6 which further find recognition from the documents Ex.PW-1/7 to Ex.PW-1/9 which admittedly were executed by the defendant no.1, in my considered opinion. Appellant/plaintiff is entitled to the relief of permanent injunction to restrain the defendants from interfering in the peaceful uninterrupted enjoyment of the shop as shown in red in the site plan.”

5. In view of the aforesaid unequivocal finding which remains unassailable, the Court does not find any substantial question of law.

6. Accordingly, the instant appeal stands dismissed alongwith the pending application.



PURUSHAINdra KUMAR KAURAV, J
SEPTEMBER 25, 2024/MJ