



2024:DHC:7773-DB



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

+ **FAO(OS) 138/2024 & C.M.No.58536/2024**

**SMT. HARPYARI ( DECEASED) THROUGH LR-1A BHARAT  
BHUSHAN SHARMA** .....Appellant

Through: Appellant in person.

versus

**BADRI BHAGAT JHANDEWALA TEMPLE SOCIETY AND ORS**

.....Respondents

Through: Mr.Amit Kumar Singh with  
Mr.Varun Maheshwari and Mr.Manan  
Soni, Advocates for R-1.  
Mr.Kamlesh Kumar Mishra with  
Ms.Renu and Ms.Snigdha, Advocates  
for LR-1C.

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Date of Decision: 04<sup>th</sup> October, 2024

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**JUDGMENT**

**MANMOHAN, ACJ : (ORAL)**

1. Present appeal has been filed challenging the order dated 03<sup>rd</sup> September, 2024 passed by the learned Single Judge of this Court in Crl. M.A. No.7809/2023 in CS (OS) 381/2016, whereby the application under Section 340 of the Cr.PC filed by the appellant-defendant no.1(a) was dismissed on the ground that the error was clearly committed by the Notary Public and the plaintiff-respondent no. 1 had nothing to gain by showing that

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FAO (OS) 138/2024

Page 1 of 3



the affidavit or the application was prepared in 2019.

2. The appellant, who appears in person, states that on 03<sup>rd</sup> December, 2021, respondent no.1 filed an application being I.A No.16166/2021 under Order XXII Rule 4 CPC to implead the legal heirs of the deceased defendant. He alleges that the affidavit filed along with the said application was forged and fabricated. He states that the defendant had died on 13<sup>th</sup> April, 2020, however, the affidavit along with I.A No.16166/2021 was attested on 01<sup>st</sup> September, 2019.

3. He alleges that the learned senior counsel for the plaintiff and the learned Joint Registrar hearing the I.A No.16166/2021 on 28<sup>th</sup> February, 2023 colluded with each other to disregard the statement made by him. He further alleges that he was subjected to intimidation and insults by the learned Joint Registrar. He states that that he has made a complaint dated 04<sup>th</sup> May, 2024 in this regard. He states that despite the respondent no.1 admitting the offence, the learned Single Judge dismissed Crl. M.A. No.7809/2023 filed by the appellant.

4. Having heard the appellant as well as perused the paper book, this Court is of the view that the learned Single has rightly observed that the application could not have been prepared in 2019 as it refers to the events that occurred in 2020.

5. The learned Single has also rightly observed that the plaintiff/respondent had nothing to gain by showing that the affidavit or the application was prepared in 2019 and that there is an error committed by the Notary Public which went unnoticed.

6. The appellant has made various unsubstantiated allegations against the learned Joint Registrar and counsel for respondent no.1 without



2024:DHC:7773-DB



elaborating how the alleged collusion took place and how the same has prejudiced the appellant.

7. Accordingly, the present appeal along with the application, being bereft of merits, is dismissed.

**CHIEF JUSTICE**

**TUSHAR RAO GEDELA, J**

**OCTOBER 04, 2024  
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*FAO (OS) 138/2024*

*Page 3 of 3*