



2024:DHC:8830-DB



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

+ **FAO(OS) 160/2024 & C.M.No.66093/2024**

SANDEEP SINGH DUGGAL

.....Appellant

Through: Appellant in person.

versus

BIKRAMJEET SINGH DUGGAL AND ORS

.....Respondents

Through: Mr.Aditya Wadhwa with
Mr.Shivansh Agarwal and Mr.Arnab
Sarma, Advocates for R-1.

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Date of Decision: 13th November, 2024

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, CJ : (ORAL)

1. Present appeal has been filed challenging the order dated 01st October, 2024 passed by the learned Single Judge in I.A. No. 20123/2022 in CS(OS) No. 390/2022, whereby the application filed by Respondent no.1 under Section 151 CPC was partially allowed and Respondent no.1 was granted permission to lease the subject property and collect rent for the same.
2. The appellant, who appears in person, states that the Appellant/Plaintiff filed the subject suit for declaration, partition, rendition of accounts and injunction in respect of, *inter alia*, the subject property bearing no. D-1/11, Vasant Vihar, New Delhi.



3. He states that the Appellant has categorically and unambiguously averred in his plaint that late Sh. Sant Singh Duggal was the original allottee and the owner of the subject property which remained exclusively under his ownership and control till his death on 30th December, 1980 after which the subject property devolved upon his legal heirs including his wife and nine children.

4. He states that even if it is assumed that late Sh.Bhagwan Singh Duggal (father of Respondent no. 1) who passed away in March, 2021 was the owner of the subject property, Respondent no.1 has only inherited 25% share in the subject property.

5. Upon a perusal of the documents on record before the learned Single Judge, particularly the Perpetual Lease Deed dated 13th February, 1970, this Court is of the view that the title of the subject property is in favour of late Sh.Bhagwan Singh Duggal, the father of Respondent nos.1, 2 and 3. Further the lease deeds show that the subject property has always been tenanted since 1971 until 2022 and the rent was being received by Respondent no.1 after the death of his father.

6. This Court is further of the view that just because the Appellant has filed the suit, the *status quo* prevailing since last forty-two years cannot be disturbed/changed.

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

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 13, 2024/KA