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

+ **CS(OS) 904/2024 & I.A. Nos. 45248-49/2024**

SMT. DAYA WATI & ANR.

.....Plaintiffs

Through: **Mr. Kunwar Vishal Singh, Advocate**

versus

SMT BILLO DEVI & ORS.

.....Defendants

Through: **None**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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18.12.2024

1. Learned counsel for the plaintiff states that the present suit has been filed with respect to the suit properties enlisted at paragraph '3' of the plaint and more specifically at Serial No. 'a' to 'k'. The paragraph 3 of the plaint reads as under:

“That Sh. Munshi Ram had purchased/acquired the following properties during his life time:

a) agricultural land in Khasra No. 68 ad-measuring 9 bigha 2 biswa, situated in the revenue estate of Village Mukandpur, Delhi.

b) agricultural land situated in Khasra No. 70 ad-measuring 4 bigha, situated in the revenue estate of Village Mukandpur, Delhi.

c) agricultural land in Khasra No. 71 ad-measuring 4 bigha 6 biswa, situated in the revenue estate of Village Mukandpur, Delhi.

d) agricultural land in Khasra No. 95 ad-measuring 6 bigha 15 biswa, situated in the revenue estate of Village Mukandpur, Delhi.



e) agricultural land in Khasra No. 311/110 ad-measuring 1 bigha 12 biswa, situated in the revenue estate of Village Mukandpur, Delhi.

f) agricultural land in Khasra No. 304/254/109 ad-measuring 4 bigha 11 biswa, situated in the revenue estate of Village Mukandpur, Delhi.

g) agricultural land in Khasra No. 161/2 ad-measuring 5 bigha, situated in the revenue estate of Village Mukandpur, Delhi.

h) agricultural land in Khasra No. 108 ad-measuring 2 bigha 2 biswa, situated in the revenue estate of Village Mukandpur, Delhi.

i) agricultural land ad-measuring 900 sq. yards in Khasra No. 213 situated at revenue estate of Village Mukandpur, Delhi.

j) lal-dora plot ad-measuring 400 sq. yards situated at 8 Chaupal Wali Gali, Mukandpur, Delhi.

k) residential plot ad-measuring 75 sq. yds. bearing H. No. 57, 8 Chaupal Wali Gali, Mukandpur, Delhi.”

1.1. He states that in view of the judgment of the Supreme Court in **Har Naraini Devi v. Union of India**¹, he seeks liberty to withdraw this suit qua properties enlisted at Serial No. ‘a’ to ‘h’ paragraph 3 of the plaint.

1.2. He states that plaintiff will however file a fresh plaint with respect to properties enlisted Serial No. ‘i’, ‘j’ and ‘k’ of paragraph 3 of the plaint.

1.3. He states that property at Serial No. ‘i’ has been wrongly described as agricultural land, it is in fact a commercial plot.

1.4. He states that in the fresh plaint proposed to be filed for the properties ‘i’, ‘j’ and ‘k’ of paragraph 3, better particulars with respect to user of the plot will be provided.

¹ 2022 SCC OnLine SC 1265.



2. The present suit is accordingly dismissed as withdrawn qua properties enlisted at Serial No. 'a' to 'h' paragraph 3 of the plaint in view of the judgment of the Supreme Court in **Har Naraini Devi** (supra), without any liberty reserved to the plaintiff.
3. The suit is dismissed as withdrawn qua properties enlisted at Serial No. 'i', 'j' and 'k' of paragraph 3 of the plaint with liberty to file a fresh suit on the same cause of action, in accordance with law.
4. Pending applications stands disposed of.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 18, 2024/mt/sk

[Click here to check corrigendum, if any](#)