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

+ **CRL.M.C. 3656/2023& CRL.M.A. 13856/2023**

**SMT. MEENA SHARMA**

.....Petitioner

Through: **Mr. S.K. Bhaduri, Mr. Prem Prakash &  
Ms. Shreyangana Bag, Advs.**

versus

**THE STATE GOVT. OF N.C.T. OF DELHI, & ORS.**

.....Respondents

Through:

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

**27.02.2025**

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:

“(i) Set-aside and quash the Order Dt.12.02.2010 passed by Shri N.K. Sharma, the then SDM, Daryaganj, New Delhi, and also Order Dt.22.12.2007 passed by the then Ld.S.D.M., Daryaganj, New Delhi; and Kalandara under Section 145 of Cr.P.C so far it relates to the 2nd floor of the property in question

(ii) Pass an order for De-sealing of the Property in dispute being Property No.2362 (2nd floor), Bara Chhippiwara, Jarna Masjid, Delhi- 110006 in a time bound manner as the respondent No.1 to 3 be directed to De-Seal the property in question immediately, in the interest of justice.

(ii) Pass any such other or further orders as this Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case, in favour of the Petitioner.”

3. Learned counsel appearing on behalf of the petitioner has placed on record order an order dated 07.12.2023 passed by the learned Single Judge of



this Court in RFA 1013/2018 wherein it is recorded as under:-

“1. This is an application seeking deletion of the observations made by the learned ADJ in the impugned judgement dated 13.07.2018 which reads as under:-

“.....SDM shall keep the Suit Property sealed till its owner seeks possession of the Suit Property”.

2. Notice in the present application was issued and despite service to the respondents, none has appeared on behalf of the respondent or any reply to the application has been filed.

3. Appellant filed the suit for perpetual and mandatory injunction and respondent filed counter claim for declaration for entitlement to possession of the suit property. The suit property comprises of the second floor of property bearing No. 2362, Bara Chhippiwara, Jama Masjid, Delhi

4. In the suit filed by the appellant, the following issues were framed:-

15. From the pleadings of the parties following issues were framed in CS No. 12826/16 vide order dated 04.04.2012:

1. Whether the plaintiff is entitled to a decree of perpetual injunction as prayed for? OPP
2. Whether the plaintiff is entitled to a decree of mandatory injunction as prayed for? OPP
3. Whether the plaintiff has not valued the suit property for purposes of court fees and jurisdiction? OPD
4. Whether the plaintiff has no locus standi to file the present suit?
5. Relief.

16. Again on 03.01.2014 issues were framed in this case without clarifying whether these were in addition to or in suppression of issues framed on 04.04.2012. Following issues were framed in CS No. 12826/16 vide order dated 03.01.2014:-

1. Whether the suit property is owned by trust? OPD
2. Whether the counter claimant is entitled to the possession of the suit property as prayed? OPD
3. Whether the suit of the counter claimant is barred by limitation? OPP
4. Whether the suit is barred u/s 19 sub section 1 clause A of the slum area employment act? OPP



5. Relief.

5. In the counter claim filed by the respondent, the following issues were framed:-

18. From the pleadings of the parties following issues were framed in CS No. 16604/16 vide order dated 29.08.2013:

1. Whether the suit is not maintainable in the present form? (onus on counter claimant)
2. Whether the counter claimant trust is the owner? (onus on counter claimant)
3. Whether plaintiff Meena Sharma tried to take forcible possession of the property in night on 13.01.2001 as alleged? (onus on counter claimant)
4. Whether the counter claimant is entitled to possession of the second floor of the property bearing No. 2361-62, Chhipiwara, Jama Masjid, Delhi (onus on counter claimant)
5. Whether the counter claim is barred by limitation?

6. Relief

6. All these issues were decided but the learned ADJ in the relief paragraphs added “.....SDM shall keep the suit property sealed till it’s true owner seeks possession of the suit property.”

7. Mr Bhaduri, learned counsel for the appellant states that more than five years have elapsed from the date of judgment and there is no true owner who has come forward to seek possession. The suit property is lying sealed is getting dilapidated and there is continuous threat of the building falling as it is more than 50 years old. The appellant is staying on the first floor and hence, there is danger to the life and security of the appellant.

8. For the said reasons, the concerned SDM is directed to de-seal the suit property i.e. Second floor of the property bearing No. 2362, Bara Chhipiwara, Jama Masjid, Delhi within two weeks from today. Thereafter, the appellant shall be permitted to carry out repair, renovation, etc. on the suit property. It is further directed that once the renovation/repairing work is completed, the appellant shall inform the concerned SDM that the repair and renovation work has been carried out and thereafter the concerned SDM shall re-seal the suit property.



9. It is clarified that the respondent shall not interfere in the repair and renovation work carried out by the appellant.

10. With these directions, the application is disposed of.

**RFA 1013/2018**

11. List on 16.02.2024, the date already fixed on which date the appeal shall be heard and decided. 12. Copy of this order be given dasti under the signatures of Court Master.

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4. Admittedly, the disputed property has been sealed on account of the observation made by the learned ADJ which has been duly challenged by the petitioner in the aforesaid RFA.

5. In view of the above, learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to initiate appropriate proceedings after the judgment is passed in the aforesaid RFA.

6. Leave and liberty granted.

7. The present petition is dismissed as withdrawn and disposed of.

**AMIT SHARMA, J**

**FEBRUARY 27, 2025/nk/pr**

*Click here to check corrigendum, if any*