



\$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 405/2022 & CRL.M.A. 16493/2022, I.As. 10849/2022,
12845/2022, 12847/2022, 13315/2022, 19836-19837/2023, 4980/2025

MR. BRAHAM SINGH

.....Plaintiff

Through: Mr. Pradeep Kumar Arya, Mr. Aditya
Kumar Yadav, Mr. Rishabh Tanwar,
Mr. Gaurav Chaudhry, Mr. Rishabh
Malhotra, Mr. Rishabh, Mr. Alok
Yadav and Ms. Arunima Singh,
Advocates

versus

SATINDER KHATANA & ORS.

.....Defendants

Through: None for the Defendants
None for the Applicants Mr. Rajeev
Anand and Mr. Sanjeev Anand
Ms. Smita Maan, Adv. for intervenor
in IA No.4980/2025

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **16.05.2025**

**I.A. 12847/2022(on behalf of applicants under Order I Rule 10 of the
CPC, 1908 seeking impleadment)**

1. This is an application filed under Order I Rule 10 of Code of Civil Procedure, 1908 (CPC) by Mr. Rajeev Anand and Mr. Sanjeev Anand seeking impleadment in these proceedings as Defendant nos. 4 and 5.
2. The application was heard by this Court on 01.10.2024.
3. In light of the assertions made by the applicants, Mr. Rajeev Anand and Mr. Sanjeev Anand, as regards the status their actual physical possession of the plot bearing Khasra No.849, of land measuring 2 bigha 19

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 19/05/2025 at 12:25:10



biswa, situated in Lal Dora Abadi, Village Dera Mandi, Tehsil Haus Khas (Mehrauli) New Delhi - 110074 ('suit property'), a Local Commissioner (LC) was appointed vide order dated 01.10.2024.

4. The plaintiff, was asserting contrary to the stand of the applicants and have asserted that the Plaintiff is in actual physical possession of the property.

5. The LC's report dated 14.10.2024 is available on record. The report shows that the factual position asserted by Mr. Rajeev Anand and Mr. Sanjeev Anand before this Court on 01.10.2024 was incorrect. The LC has reported that it was the Plaintiff, who was found to be in possession of the suit property.

6. None appears on behalf of applicants today.

7. In view of the LC's report dated 14.10.2024 and the findings, it is apparent that the applicants have approached this Court with unclean hands and made misleading submissions on 01.10.2024. Therefore, the application is liable to be dismissed on this ground alone.

8. Accordingly, the application stands dismissed.

I.A. 12845/2022(o/b of applicants under Order 7 Rule 11 CPC)

9. This is an application filed by Mr. Rajeev Anand and Mr. Sanjeev Anand under Order VII Rule 11 CPC.

10. None appears on behalf of the applicants.

11. In view of the fact that the said applicants are not the parties to the present suit and in view of the dismissal of I.A. 12847/2022, the captioned application as well stands dismissed.

I.A 13315/2022(under Order 39 Rule 4)

12. This is an application filed by Mr. Rajeev Anand and Mr. Sanjeev

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 19/05/2025 at 12:25:10



Anand under Order 39 Rule 4 CPC seeking vacation of ex-parte ad-interim order dated 18.07.2022.

13. None appears on behalf of the applicants.

14. In view of the fact that Mr. Rajeev Anand and Mr. Sanjeev Anand are not parties to the present suit and in view of the dismissal of I.A. 12847/2022, the captioned application as well stands dismissed.

CRL.M.A. 16493/2022

15. This is an application filed by the applicants Mr. Rajeev Anand and Mr. Sanjeev Anand under Section 340 read with Section 195(1)(B) of Code of Criminal Procedure, 1973.

16. None appears on behalf of the applicants.

17. This application as well is dismissed in view of the dismissal order passed in I.A. 12847/2022.

CSOS) 405/2022

18. This suit has been filed for permanent injunction.

19. In this suit there are four defendants who have been arrayed as parties. It is a matter of record that none of these defendants have entered appearance.

20. The report of the Local Commissioner dated 14.10.2024 also bears out that none of the defendants Nos. 1 to 4 are in possession of the suit property. The report further records that the plaintiff herein is in possession of the suit property. The report records and reports the existing status of the physical possession of the suit property and does not express any opinion on the title of the Plaintiff to the suit property.

21. In view of the Local Commissioner's report dated 14.10.2024, the present suit is hereby disposed of in favour of the plaintiff and against the

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 19/05/2025 at 12:25:10



Defendants holding that since the Plaintiff is in actual physical possession of the suit property, the defendants are restrained from interfering in the possession of the plaintiff except with due process of law.

22. It is however, clarified that this Court has neither adjudicated upon nor deliberated on the right, title or interest of the plaintiff in the suit property.

23. Interim orders shall stand merged in the final order of disposal of this suit.

I.A. No. 4980/2025

24. This application has been filed by one Mr. Braham Singh Tanwar claiming title rights in the suit property. The said applicant has already filed an independent suit being CS(OS) 25/2025 against the plaintiff herein. Since the rights of the applicant viz-a-viz the plaintiff herein are the subject matter of the said suit bearing CS(OS) 25/2025, the application is disposed of reserving the rights of the applicant and plaintiff to be adjudicated in the aforementioned suit. The plaintiff and the applicant will be at liberty to agitate there inter-se rights in CS(OS) 25/2025.

25. The application stands disposed of.

26. All other pending application stand disposed of.

27. The Registry is directed to draw up a decree in terms thereof.

MANMEET PRITAM SINGH ARORA, J

MAY 16, 2025/HP/SV/AM

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

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 19/05/2025 at 12:25:10