



2025:DHC:9457-DB



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

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Judgment reserved on: 16.10.2025***Judgment pronounced on: 30.10.2025***+ **FAO(OS) 79/2023****TIKKA BRIJINDER SINGH BEDI**

.....Appellant

Through: **Mr. Ashim Shridhar and Ms.
Archy Gupta, Advs.**

versus

NEELMANI SINGH & ORS.

....Respondents

Through: **Mr. Giriraj Subramaniam, Mr.
Prayuj Sharma, Ms. Aadhyaa
Khanna and Mr. Aditya Sarma,
Advs. for R-1 &2..****CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR****J U D G M E N T****ANIL KSHETARPAL, J.**

1. The present Appeal has been filed by the Appellant assailing the correctness of the Impugned Judgment and Order dated 18.04.2023 [hereinafter referred to as "Impugned Judgment"] passed by the learned Single Judge in I.A. No. 8955/2021 in CS(OS) 207/2021 captioned ***Neelmani Singh vs. Tikka Brijinder Singh Bedi & Ors.***, whereby the application filed by the Defendant seeking rejection of plaint at the threshold was dismissed by the learned Single Judge.



2025:DHC:9457-DB



Brief Factual Matrix:

2. On 25.03.2021, Ms. Neelmani Singh, D/o Mr. Jagjeet Singh Bedi [hereinafter referred to as “Respondent No. 1”]—the Plaintiff therein filed a suit praying for the following reliefs:

(i) **PASS A DECREE OF DECLARATION** thereby declaring that:

a. the un-registered will dated 19.01.1991 of Late Dr. Jagjit Singh Bedi is invalid, null and void;

b. the plaintiff's affidavit dated 01.03.1993 filed by the defendant no.1 before the Land & Building Office, Nirman hawan, Ministry of Urban Affairs as null and void and not-binding on the rights the plaintiff;

c. the substitution carried out by the L&DO on 27.05.1993 in favour of the defendant no.1 in place of Dr. Jagjit Singh Bedi in respect of the suit property is null and void, ineffective and not legally binding on the rights of the plaintiff;

d. the family settlement dated 07.08.1992 is null and void and not legally binding on the plaintiff.

e. the compromise / understanding dated 17.02.1993 between the plaintiff and her late mother Smt. Swarn Kanr Bedi, and relinquishment letter 17.02.1993 signed by plaintiff are null and void and not legally binding on the plaintiff.

(ii) **CONSEQUENTLY, PASS A DECREE OF CANCELLATION**, thereby cancelling the substitution carried out by the Land and Development office, Ministry of Urban Affairs, on 27.05.1993 in favour of the defendant no.1 in place of Dr. Jagjit Singh Bedi in respect of the suit property,

(iii) **PASS A PRELIMINARY DECREE OF PARTITION**, whereby and whereunder 1/5th share of the plaintiff be ascertained and adjudicated upon, in respect of the suit property i.e. the plot no.132 Golf Links, New Delhi 110003 as shown in site plan attached with the suit.

(iv) **PASS A DECREE OF PARTITION**, in respect of suit property i.e. the plot no.132 Golf Links, New Delhi 110003, measuring 335 sq. yards thereby 1/5th share of the plaintiff in the aforesaid property be demarcated by metes and bounds and the separated share along with possession may be ordered to be



delivered to the plaintiff along with all buildings, structures etc. constructed thereon and in case the suit property could not be so partitioned, in that event the same may be ordered to be sold and the plaintiff may be given sale proceeds to the extent of her 1/5th share in the suit property.

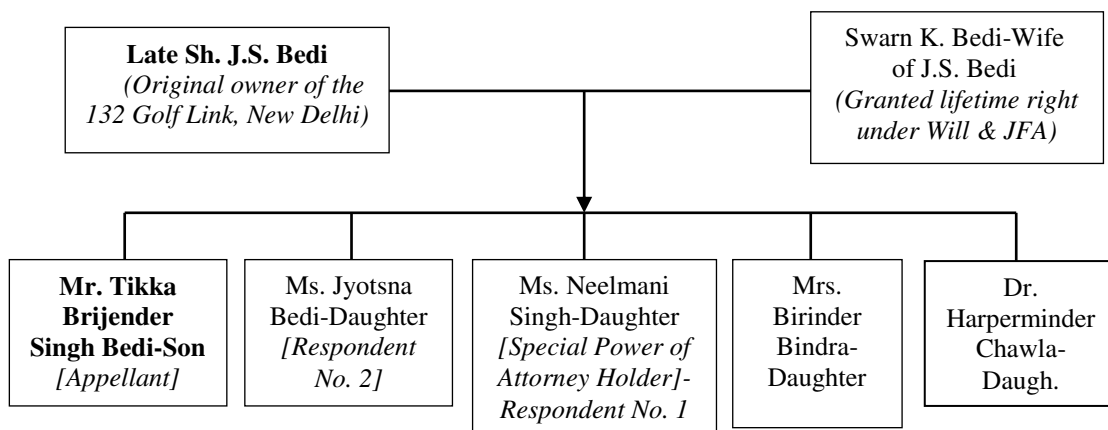
(v) **PASS A DECREE OF PERMANENT INJUNCTION**, thereby restraining the defendant no.1, his agents and representatives from selling, alienating or otherwise creating third party right, title and interest in respect of the suit property i.e. the plot no.132 Golf Links, New Delhi 110003;

(vi) **A Local Commissioner** may be appointed under the provisions of Civil Procedure Code to report/suggest a mode of partition of the "Suit Property" with proportionate land(s) underneath;

(vii) **AWARD COSTS OF THE PRESENT SUIT** in favour of the plaintiff and against the defendant no. 1; and / or

(viii) **PASS SUCH OTHER OR FURTHER ORDERS** in favour of the plaintiff and against the defendants, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

3. The genealogy of the family is provided as under:



4. While filing the suit, the Respondent No. 1 claimed that she, for the first time, came to know of the misrepresentation by her brother, Sh. Tikka Brijinder Singh Bedi [hereinafter referred to as "Appellant"]. Hence, she filed the suit within a period of three years.



The Respondent No. 1 has made assertions with regard to the cause of action, which read as under:

“43. The cause of action for arose for the first time on 03.10.1992 when the father died intestate and the suit property devolved on the plaintiff by succession. The cause of action then arose when the plaintiff wrote a letter, dated 21.01.1993 to the L&DO seeking mutation of the suit property in the name of all the legal heirs. The cause of action then arose in the third week of February 1993 when the defendant no. 1 obtained plaintiff's signatures on a family settlement dated 07.08.1992, an affidavit and letter addressed to L&DO for the no objection for mutation, compromise letter dated 17.02.1993, a relinquishment note dated 17.02.1993 by misrepresenting that the father's registered will dated 01.09.1989 is valid whereas it was inoperative on account of its cancellation. The cause of action then arose on 18.02.2018 when the defendant no. 2 filed an RTI application before the L&DO for seeking copies of the documents on the basis of which the name of the defendant no.1 was substituted in respect of the suit property. The cause of action accrued for the first time for seeking declaration on 28.03.2018, when the L&DO provided copies of the forged documents that were filed by the defendant no.1 for mutation of the suit property and the plaintiff came to know for the first time that an illegal and unlawful substitution was carried out in respect of the suit property in the name of the defendant no.1 on 27.05.1993, on the basis of forged affidavits and a forged unregistered will dated 19.01.1991 of the father.

The cause of action further arose when the plaintiff for the first time came to know after seeing the documents sent by L&DO on 28.03.2018 that her signatures were obtained on some other documents and papers by the defendant no. 1 by misrepresenting regarding the validity of will dated 01.09.1989.

The cause of action then arose in April 2018 when the plaintiff confronted the defendant no. 1 for creating forged and fabricated affidavit/s and the father unregistered will dated 19.01.1991 and filing the same before the L&DO for getting his name substituted in place of the father, to the illegal exclusion of the plaintiff and defendant no. 2.

The cause of action also arose when the plaintiff filed repeated representations before the L&DO apprising that the suit property was mutated in the name of defendant no. 1 on the basis of forged and fabricated affidavits and forged and invalid unregistered will dated 19.01.1991 of the father, but to no avail.

The cause of action then arose on various occasions from April 2018 to August 2019 when the plaintiff requested the defendant



2025:DHC:9457-DB



no.1 to give her share in the suit property, but he kept on evading and avoiding the plaintiff intentionally, deliberately and willfully on one pretext or the other.

The cause of action further arose when the plaintiff sent a legal notice dated 09.09.2020 to the defendant no.1 for seeking partition of the suit property, but, the same was neither replied nor complied with by the defendant no.1.

The cause of action than arose in February 2021 when the defendant no. 1 filed a frivolous application under section 340 Cr.P.C. CC no. 292 of 2021 on 01.02.2021 in 156(3) complaint case no. 8905/2020 filed by the plaintiff against the defendant no. 1. The court of Sh. Pankaj Sharma Ld. CMM Patiala House Court New Delhi was pleased to allow complaint u/s 156(3) filed by the plaintiff vide order dated 01.03.2021. The sum and substance of the defendant no. 1 stand in its 340 Cr.P.C application is that the plaintiff is not entitled to any share in the suit property. As such, the defendant no. 1 has categorically rejected the plaintiff demand of partition as demanded vide notice dated 09.09.2020.

The cause of action also arose when the instead of taking any action, the L&DO issued a false and frivolous reply dated 05.03.2021. The cause of action is therefore subsisting and continuing. The present suit is within the period of limitation.

The cause of action also arose on 19.03.2021, when the plaintiff was present at Patiala House Court complex for a court hearing and she met the daughter of defendant No. 1 who openly threatened the plaintiff outside the courtroom that her family enjoyed vast influence amongst the police and politicians and they would ruin the plaintiff and her family if she again tried to raise the issue of partition.”

Though the aforesaid assertion made in the respective paragraph is not happily worded, however, at this stage, a pragmatic reading of the plaint is required.

5. Rejection of the plaint was sought on the following two grounds: (i) the suit was filed beyond the period of limitation; and (ii) the Respondent No. 1 has no cause of action to file the suit.

Submissions on behalf of the Appellant:



2025:DHC:9457-DB



6. Learned counsel representing the Appellant submitted that the Respondent No. 1 executed an affidavit, signed the Memorandum of Understanding of the family settlement dated 07.08.1992, and issued a letter on 16.03.1993. Moreover, a handwritten note executed on 07.02.1993 proves that the Plaintiff accepted the family settlement as per the wishes of the father expressed in the Will. Hence, the suit having been filed on 25.03.2021 is beyond the period of limitation, and the Plaintiff has no cause of action.

7. Learned counsel has referred to the assertions made in Paragraph Nos. 7, 8, 9, 10, and 11, and to the letter dated 16.03.1993, wherein she has admitted the unregistered Will dated 19.01.1991. Reference has also been made to the Memorandum dated 27.05.1993 with respect to the substitution of leasehold rights in respect of the 132 Golf Link, New Delhi [hereinafter referred to as "Suit Property"], wherein the request of the Appellant to substitute him in place of his father was allowed.

Submissions on behalf of the Respondents:

8. *Per contra*, learned counsel representing the Respondents has drawn the attention of the Court to Paragraph Nos. 16, 17, and 18 of the plaint to contend that the suit could not be dismissed at this stage.

9. It has been averred in Paragraph No. 15 that during the course of a dispute between the Appellant and the Respondent No. 2/Defendant No. 2 therein concerning the Suit Property, the Respondent No. 2 suspected foul play on the part of the Appellant in procuring the transfer of the Suit Property in his name.



Findings & Analysis:

10. Heard learned counsel representing the parties at length and with their able assistance perused the paper book along with the suit record.

11. The Plaintiff (Respondent No.1 herein) claims that on filing an RTI application under the Right to Information Act, 2005, in March 2018, she became aware of the fraud committed by Defendant No.1 (Appellant herein) for the first time. The relevant portion of the plaint reads as under:

“17. The plaintiff became aware of the fraud committed by defendant no. 1 for the first time, on perusal of the documents submitted by defendant no.1 before L&DO that were provided by the L&DO along with the reply dated 28.03.2018. The plaintiff was shocked to know that the defendant no. 1 submitted a copy of unregistered will dated 19.01.1991 instead of registered will dated 01.09.1989 for the purpose of substitution. Thereafter, the plaintiff became aware that her father had already cancelled the registered will dated 01.09.1989 on 05.10.1990.”

12. Thereafter, the Plaintiff (Respondent No.1 herein) has asserted in Paragraph No.18, as under:

“18. The plaintiff obtained forensic examination reports of the documents that were submitted by the defendant no. 1 for transfer of the suit property in his name, from a reputed forensic lab, Hawk Eye Forensic, G-82, Second Floor 9, Noida-201301 UP.”

13. It is evident that the Respondent No. 1 has claimed knowledge of the documents, the fraud, and the misrepresentation of her brother at the end of March 2018. Hence, the question of limitation becomes a mixed question of law and fact, which can best be decided after the parties are permitted to lead evidence.



2025:DHC:9457-DB



14. Similarly, a bundle of facts constitutes the cause of action. Hence, the Respondent No. 1, after stating the entire facts, has claimed that the cause of action accrued to her for the first time in April 2018.

15. On a holistic reading of the plaint, this Bench is of the opinion that the plaint does disclose cause of action to file the suit, particularly when only assertions made in the plaint are required to be examined at this stage.

16. In such circumstances, it would not be appropriate, at this stage, to finally conclude that the suit has been filed without a proper and valid cause of action.

17. Resultantly, it is not found appropriate to interfere with the order passed by the learned Single Judge. Hence, the present Appeal is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 30, 2025

s.godara/rgk