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

+ **CS(OS) 375/2025 & I.A. 14031-14033/2025**

GAURAV YADAV

.....Plaintiff

Through: Ms. Shobhana Takiar, Mr. Prateek
Dhir and Mr. Kuljeet Singh, Advs.

versus

GAJRAJ SINGH & ORS.

.....Defendants

Through: Mr. Viraj P. Datar, Sr. Adv. with Mr.
Rajesh Mishra, Ms. Meenu Duggal
and Mr. Vipul Lamba, Advs. for D-1,
2, 4, 6 and 7

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **30.05.2025**

1. The present suit has been filed seeking permanent injunction for restraining defendant nos. 1 to 7 from constructing and/or creating any third-party rights on the unpartitioned suit land. The details of the suit land have been set out at prayer clause (a) which reads as under:

“the land in village Haibatpura in Khata no. 204/135 in Mustil No. 33 Khasra no. 21 (4-16), Mustil no. 34 Khasra no. 7/2 (2-14), 8/1 (3-11), 13/2 (3-11), 14 (4-12), 17 (4-12), 18/1 (3-11), 24 (4-12), Mustil no. 41, Khasra no. 6/1 (2-16), 26 (0-16), 8/1/1 (0-12), also measures more than 28 Bighas 10 Biswas in Khata No. 125/72 in Mustil No. 33 Khasra No. 22/2 (0-9), 23/2 (0-9), Mustil No. 41, Khasra No. 01 (4-14), 02 (4-12), 7/1 (4-7), 4 (4-16), 8/1 (4-7).”

2. It is stated in the plaint that the plaintiff and defendants nos. 1 to 5 are co-owners of the unpartitioned suit land, while defendants nos. 6 and 7 have no legal claim to it. The suit land, measuring over 28 Bighas 10 Biswas,



traces its lineage to late Shri Layak Ram the great grandfather of the plaintiff. The plaintiff claims lineage through Shri Nathu, son of Shri Layak Ram.

3. Learned counsel for the plaintiff states that the plaintiff has undivided 1/9th share in the suit land.

3.1 She states that the plaintiff believes that defendant nos. 1 to 5 who are the recorded co-owners of the suit land have transferred their right and interest in favour of defendant nos. 6 and 7 and it is the defendant nos. 6 and 7 who are presently carrying out the construction and plotting in the unpartitioned suit land.

3.2 She states that since the suit land is unpartitioned, the plaintiff is being prejudiced by the said actions of the defendants.

4. Mr. Vipul Lamba, on advance service, has entered appearance on behalf of defendant nos. 1, 2, 4, 6 and 7. He states that he will file his vakalatnama within one (1) week.

5. Mr. Viraj R. Datar, learned senior counsel, appearing for defendant nos. 1, 2, 4, 6 and 7 states that Sh. Phool Singh was the recorded bhumidar/owner of the suit land and after his death the suit land devolved upon his two sons, namely, late Sh. Ram Swaroop and late Sh. Layak Ram.

5.1 He states that the plaintiff in the present suit is the only son of late Sh. Gogal, who in-turn was the grandson of late Sh. Layak Ram and thus has inherited his rights in the suit land from the share of late Sh. Layak Ram.

5.2 He states that defendant nos. 6 and 7 have purchased 1/3rd share in the suit land from defendant nos. 1 and 2; and 1/9th share in the suit land from defendant no. 4 (i.e., the uncle of the plaintiff).

5.3 He states that defendant nos. 6 and 7 have not purchased the shares of



defendant no. 3 and defendant no. 5 in the suit land.

5.4 He states that a separate suit CS(OS) 329/2025 has already been instituted before the High Court of Delhi, wherein, the plaintiff is a party and has been arrayed as defendant no. 10. He states that the said suit has been filed by the lineal descendants of late Shri Ram Swaroop (i.e., the brother of Shri Layak Ram). He states that the suit land in the present suit is also a subject matter in the abovementioned suit i.e., CS(OS) 329/2025.

5.5 He states that an injunction *vide* order dated 27.05.2025 has already been granted in CS(OS) 329/2025 *qua* the suit land; restraining the parties therein from carrying out any construction in the suit land and to maintain *status quo qua* the title and possession of the suit land.

5.6 He states that the next date of hearing in the said suit is 29.10.2025 before the Court.

5.7 He states that, given the existence of a pending suit concerning the same suit land, and considering that in the present suit the plaintiff has filed a simpliciter suit for injunction without seeking the consequential relief of partition, this suit ought not to be entertained and disposed of referring the plaintiff to the pending suit.

6. In response, learned counsel for the plaintiff states that the plaintiff was not aware about the pendency of CS(OS) 329/2025. She states that however relying upon the submissions of defendants, plaintiff seek liberty to withdraw this suit and pursue the relief of partition in the pending suit bearing CS(OS) 329/2025.

7. Accordingly, the present suit is disposed of as withdrawn, with liberty reserved to the plaintiff to assert the right for partition and injunction in the pending suit bearing CS(OS) 329/2025.



8. Pending applications, if any, stand disposed of.

MAY 30, 2025/msh/AM

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any