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

+ **FAO 216/2025**

CHAWAL SINGH

.....Appellant

Through: Mr. A.K. Singla, Advocate alongwith
Mr. Abhimanyu Singh Khatri, Mr.
Abhishek Singh and Mr. Sayantani
Basak, Advocates

versus

RAJBIR SINGH

.....Respondent

Through: Mr. Mahmood Hasan, Advocate

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

ORDER

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07.11.2025

CM APPL 47496/2025 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

FAO 216/2025 and CM APPLs. 47493/2025 (Stay), 47494/2025 (delay) & CM APPL 47495/2025 (for Additional documents)

1. The present appeal has been filed under Order XLIII Rule 1(r) Code of Civil Procedure, 1908 against the impugned order dated 17.09.2024 (*Annexure-A*) passed by the learned District Judge-11, Central, Tis Hazari Courts, Delhi in CS/DJ No.



629/2024, whereby the appellant/defendant has been restrained from dispossessing the respondent/plaintiff from the plaint schedule property i.e. plot measuring 294 sq. Yards situated in *Khasra no. 11/5, 10/1 of village Jharoda Mazra, Burari, Delhi-110084* and from creating third party interest in the property.

2. It is submitted by learned counsel for the appellant/defendant that it was after dispossessing him from the plaint schedule property, the respondent/plaintiff had filed the suit raising false claims of title and possession of the property and that the trial court without comprehending the basic facts of the case proceeded to pass the impugned order, which cannot in any way be sustained as the respondent/plaintiff has not been able to even set up a *prima facie* case. The respondent/plaintiff, on the other hand, submits that the appellant/defendant never produced documents to substantiate his claim over the plaint schedule property and that even going by the contentions of the appellant/defendant, they were dispossessed much before the suit and hence the trial court



was right in passing the impugned order, which suffers from no infirmity.

3. Heard both the sides.

4. In Annexure-T, i.e. the plaint, the respondent/plaintiff alleges that he is the owner in peaceful possession of the property and that he has obtained rights in the property based on revenue records. The allegation is that the appellant/defendant has attempted to dispossess him from the property and hence, the suit and the application seeking relief under Order XXXIX Rule 1 & 2 CPC.

5. After the appearance of the appellant/defendant before the trial court, he raised a counter claim under Section 6 of the Specific Relief Act alleging that he has been illegally dispossessed from the property in dispute. The trial court taking note of this fact concluded that the appellant/defendant is not in possession and proceeded to pass the impugned order.

6. In the case in hand, both the appellant/defendant and respondent/plaintiff claim to be in possession of the property. In



this context, I refer to Annexure M, the report of the SDM dated 24.06.2024, which is admittedly passed before the filing of the suit. The relevant portion of the said Report reads thus:-

*“Report by SI, Vikas Tomar, P.S. Wazirabad has been filed which is part of FIR No. 478/24 dated 17.06.2024 PS Wazirabad U/s. 447/506/34 IPC. The part of said FIR states that ASI Prem Ram has reached at spot suit property on 07.06.2024 in connection with DD No. 52 A where **complainant Sh. Chawal Singh and other parties Sh. Rajbir Singh both were present and both parties were claiming plot Khasra No. 8/25-10/1 Gali No. 10, New Chaupal ke Samne Village Jagatpur, area 260 Sq .Yards but no party could produced ownership papers. As such both parties were directed to maintain Status Quo.** DD No. 52A was filed. However, by the order of SHO, PS Wazirabad there were direction of re-enquiry. Both parties were direction to produce ownership papers of the plot. The Complainant Chawal Singh has produced a hand written paper “Faisla Panchayat Gaon Jagatpur” dated 10.05.1994 and Khatauni photocopy. Sh. Rajbir Singh has also produced Khasra Girdhwari 1989-90 and 1990-91. **But during this period Rajbir Singh has placed two vacant trolley inside the plot and thereafter on dated 12.06.2024 has forcefully installed CCTV on the plot and cooler, charpai and some other persons on the plot.**”*

The respondent has produced copy of MCD receipt/Challan dated 03.08.2022 in the name of Chawal Singh and Kanwar Singh on the Khasra No. 8/25, Gali No. 10, Jagatpuri.

The Plaintiff on the last date of hearing on 19.06.2024 has stated that they have made a police call DD No. 0037A dated 09.04.2024 however, that police has taken no action on it.

The copy of DD No. 37A, has been provided by the Police but



that is not readable.

Based on the above facts it is evident that Sh. Rajbir Singh has forcefully placed their trollies and other things in the suit property during the police enquiry. As such it is directed that Sh. Rajbir Singh will remove the articles as mentioned in the FIR from the suit property within two days and the part of suit property i.e. 260 Sq.Yards plot will remain in the possession of the local police.

Regarding the remaining portion of the dispute property, there will be Status Quo till next date of hearing.”

(Emphasis supplied)

7. Annexure-M Report reveals the state of affairs that was existing in the property when the suit was filed. Neither of the parties were able to produce any documents to substantiate their claim. The report also disproves the claim in the plaint that the respondent/plaintiff was all along in possession and that the appellant/defendant was trying to dispossess him. The report which is not objected to by both sides show that it was infact the respondent/plaintiff who was forcibly trying to establish his rights over the property. In these circumstances to ensure that the subject matter of the dispute is preserving till the rival claims are



adjudicated by the trial court, the impugned order is modified and both the parties i.e. the appellant/defendant and the respondent/plaintiff are directed to maintain *status-quo* as reported by the SDM in *Annexure-M* Report until the suit is finally disposed of. They shall not create any third party interest in the property.

8. The trial court shall dispose of the matter after giving liberty to both sides to adduce necessary oral and documentary evidence in order to substantiate their respective allegations and contentions.

9. With the aforesaid observations, the appeal is disposed of alongwith pending applications.

CHANDRASEKHARAN SUDHA, J

NOVEMBER 7, 2025

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