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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 1049/2025, CM APPL. 72106/2025-Stay, CM APPL.
72107/2025-Exp
SURESH KUMAR (NOW DECEASED) THROUGH HIS LRS.

.....Appellant

Through: Mr. M. Sufian Siddiqui, Mr. Rakesh
Bhugra, Mr. Md. Niyazuddin and
Ms. Alya Veronica, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Chetanya Puri, SPC with Mr.
Rishab Jain, Advocate for R-1 & 2

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

20.11.2025

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1. By virtue of the present appeal, the appellant seeks setting aside of the Judgment and Decree dated 05.07.2025 passed by the learned District Judge-09, Central, Tis Hazari Courts, Delhi (*learned Trial Court*) in CS DJ No. 9949/2016 (Old Civil Suit no. 11 of 2005) entitled “*Suresh Kumar versus Union of India and Ors.*”.

2. It is the case of the petitioner that the suit property being Platform No. 203, INA Market, New Delhi, was allotted on a licence basis to the father of the appellant (*predecessor-in-interest*) w.e.f. 08.07.1964, who operated a trade therein. Pursuant to Government of India policy for transfer of ownership right, the appellant's predecessor-in-interest applied for the ownership of the suit property and deposited the requisite amount.



After the death of the appellant's predecessor-in-interest, the appellant complied with every procedural requirement as per the office order dated 21.02.1976. Despite thereto, the Directorate of Estates, arbitrarily withheld the transfer of ownership in the favour of the appellant.

3. Of the many other grounds raised by the appellant, learned counsel for the appellant primarily submits that, *admittedly*, the learned Trial Court, *vide* two orders dated 25.09.2017 and 02.02.2018 had framed two additional issues respectively as under:-

25.09.2017

"5A. Whether the licence of late Sh. Sanwalia Ram was revoked by the defendant w.e.f. his date of death. If yes, to what effect? OPD."

02.02.2018

"Whether in the light of the policy/ office order dated 21-02-1976 issued by the Deputy Director Estate the alleged cancellation order dated 29-10-2003 is illegal being against the said policy/ office order? OPD"

4. Learned counsel for the appellant submits that despite the same, there is no adjudication thereof by the learned Trial Court since they find no mention in *paragraph no.21* of the impugned judgment. As such, the impugned judgment is liable to be set aside.

5. Issue notice.

6. Learned counsel for respondent nos.1 and 2 accepts notice.

7. He does not dispute the aforesaid submissions made by the learned counsel for the appellant, as the same are matters of fact.

8. Considering that the learned Trial Court has not rendered any findings upon either of the two aforesaid issues, and taking note of the



provisions of *Order XIV rule 2* of the Civil Procedure Code, 1908 the impugned judgment is set aside and the present proceedings emanating from CS DJ No. 9949/2016 and Counter Claim No.02/2025 are remanded to the learned Trial Court for adjudicating upon the aforesaid two issues as well.

9. Needless to say, the learned Trial Court shall endeavour to adjudicate upon the aforesaid issues and revert with findings as expeditiously as possible, preferably within a period of *eight weeks*.

10. In view of the aforesaid, the present appeal is allowed in the aforesaid terms.

11. Accordingly, the present appeal alongwith the pending applications stands disposed of.

12. Copy of the order be sent to the learned Principal District Judge, Tis Hazari Courts, (Central), New Delhi.

SAURABH BANERJEE, J

NOVEMBER 20, 2025/So