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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **LPA 10/2025**  
**ASHOK KUMAR & ANR.**

.....Appellants

Through: Appellant No.2 in person.  
versus

**THE STATE OF NCT OF DELHI & ORS.**

.....Respondents

Through: Mr Rahul Tyagi, ASC, Ms Priya Rai,  
Mr Sangeet, Mr Amit Rohilla, Mr  
Aniket Kumar Singh, Advocates for  
the State.

**CORAM:**  
**HON'BLE THE ACTING CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**ORDER**

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**13.01.2025**

**CM APPL. 688/2025(condonation of delay in filing)**

1. For the reasons stated in the application, the delay of 50 days in refiling the appeal stands condoned.
2. The application stands disposed of.

**CM APPL. 687/2025(condonation of delay in filing)**

3. For the reasons stated in the application, the delay of 13 days in filing of the appeal stands condoned.
4. The application stands disposed of.

**CM APPL. 686/2025(Exemption)**

5. Exemption is allowed, subject to all just exceptions.
6. The application stands disposed of.

**LPA 10/2025**

7. The appellants have filed the present appeal, *inter alia*, impugning an



order dated 04.09.2024 (hereafter *the impugned order*) passed by the learned Single Judge in W.P.(CrI) No.2749/2023 captioned *Ashok Kumar & Another v. The State of NCT of Delhi & Others*.

8. The appellants are married to one another. Appellant no.2 is the wife of appellant no.1. The appellants have filed the aforesaid writ petition, *inter alia*, praying that directions be issued to the respondents to put them back in possession of the premises bearing No.C-67, Harkesh Nagar, New Delhi. The appellants allege that they were forcibly dispossessed of the aforementioned premises by respondent no.6 and his associates on 11.08.2023. The appellants also prayed that directions be issued to respondent no.3 to register the FIR.

9. Appellant no.2 appeared in person and submits that after her marriage she came to reside with appellant no.1 in the aforementioned premises. She claims it was the matrimonial home where her in-laws were residing. She claimed that her parents-in-laws shifted to Gurugram in the year 2002, but the appellants continue to live in the aforementioned premises. She states that she and her husband (appellant no.1) were forcibly evicted from the said premises on 11.08.2023. Appellant no.2 states that she had made PCR calls on the said date and also lodged a complaint with the police station. She claims that under the pretext of conducting investigation, she was asked to wait in the police station for almost three hours. Thereafter, she was informed that no action would be taken.

10. The impugned order notes that the status report was called for and furnished by the police authorities, whereby it was reported that the enquiries had revealed that there were some disputes between the appellants and the parents-in-laws of appellant no.2. The parents-in-laws had



disowned their son (appellant no.1) in the year 2017. It is stated that thereafter the appellants had left the house after taking all their belongings except one bed. At the material time, the father of appellant no.1, was of 85 years of age and was a cancer patient. The parents-in-laws had alleged that the appellants were misbehaving and humiliating them.

11. The father of appellant no.1 has since expired. The mother-in-law of appellant no.2 had stated that she required the funds for treatment of her husband and accordingly had sold the aforesaid property to respondent no.6. Enquiries were also made from respondent no.6, which revealed that he had purchased the aforesaid property on 07.08.2023.

12. The concerned authorities in the aforesaid back drop, concluded that the dispute was a civil matter between the family members.

13. It is apparent from the above that the question whether the appellants were residing in the premises in question on 11.08.2023 is a contentious one, which cannot be decided without leading evidence.

14. It is in the aforesaid backdrop that the learned Single Judge had observed that the matter regarding recovery of possession, as sought for by the appellants, is essentially a civil matter and had thus, disposed of the petition with the liberty to the appellants to seek their civil remedies. We find no infirmity with this view. Given the factual disputes, we are unable to accept that any direction for putting the appellants in possession of the premises in question can be granted in these proceedings.

15. In so far as the registration of the FIR is concerned, the appellants have already filed the complaint under Section 200/156(3) of the Code of Criminal Procedure, 1973 alleging failure on the part of the concerned authorities to act on the complaint. Clearly, no further directions are required



to be passed in this appeal.

16. In view of above, we find no infirmity in the impugned order passed by the learned Single Judge. The appeal is, accordingly, dismissed.

**VIBHU BAKHRU, ACJ**

**GIRISH KATHPALIA, J**

**JANUARY 13, 2025**

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*Click here to check corrigendum, if any*