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

+ C.R.P. 114/2026 & CM APPL. 25013-25014/2026

AKUL SHARMA

.....Petitioner

Through: Ms. Risha, Adv.

versus

ROOP SINGH

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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11.05.2026

1. This petition has been filed for setting aside impugned order dated 25th February 2026 passed by the Trial Court dismissing the application under Order VII Rule 11 of the Code of Civil Procedure, 1908 ('**CPC**') filed on behalf of the petitioner/ defendant.
2. The two grounds raised by petitioner/ defendant are: *firstly*, that the suit was barred by limitation considering that the General Power of Attorney ('**GPA**') was executed on 03rd March 2004 and the suit was filed in 2019 and *secondly*, that the valuation has not been done correctly since as per the Sale Deed, the value of the property was *Rs.15 lakhs*.
3. After some arguments and perusal of the record, it transpires that as per the amended plaint filed by respondent/plaintiff before the Trial Court, it is stated that the GPA was executed by respondent/ plaintiff under undue influence and coercion of defendant no.1, and respondent/plaintiff, being illiterate, was forced to execute the said GPA on the pretext that these were documents for facilitation of loan amount.



4. The plaint avers the background facts and circumstances, as mentioned in *paragraph nos.3 to 9*. It has also been stated that the cause of action arose in October 2019 when two unknown persons came to the property and stated that they wanted to purchase the suit property from defendant no. 2; the said facts find mention in *paragraph no. 11* of the plaint.

5. In light of above facts and circumstances, and since application under Order VII to 11 of CPC has to be considered on the averments made in the plaint, this is a disputed question of fact which will have to be considered by the Trial Court.

6. On the second issue of the valuation of the suit basis the Sale Deed, it is noted that respondent/plaintiff was not a signatory to the Sale Deed, which apparently had been executed pursuant to the GPA of which cancellation is sought. It is clear from the plaint that an assertion of fraud has been asserted and respondent/ plaintiff being non-signatory to the Sale Deed, the decision in ***Suhrid Singh @ Sardool Singh v Randhir Singh & Ors.***, 2010 (12) SCC 112 would apply.

7. Accordingly, this Court does not find any infirmity in the impugned order passed by the Trial Court.

8. Accordingly, the petition is dismissed. Pending applications are rendered infructuous.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 11, 2026/sm/zb