



\$~15

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

+ **FAO 112/2025 & CM APPL. 24979/2025, CM APPL. 25004/2025**

SANJEET DAGAR

.....Appellant

Through: Mr. Sunil Chauhan and Ms. Vatsala
Chauhan, Advocates.

versus

NARAIN SINGH DAGAR & ANR.

.....Respondent

Through: Mr. V. P. Rana and Mr. Bhuvan
Tomar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

19.03.2026

%

1. By way of the present appeal, the appellant (hereinafter referred to as the “defendant”), who was the defendant before the Trial Court, has assailed the order dated 06.03.2025, whereby the Trial Court has directed the parties to maintain *status quo vis-a-vis* possession, title, and construction, on the land comprised in *Khasra* No. 114 admeasuring 3 *bigha* 14 *biswas* situated within the revenue estate of *Village Maidan Garhi* (“Suit Property”) till the disposal of the underlying suit.

2. Suit has been filed by the respondents/plaintiffs, who claim to be the owners of the Suit Property as legal heirs of one *Ramphal*. Respondent/plaintiff no. 1 is stated to be the son of *Ramphal* and respondent/plaintiff no. 2 is stated to be the son of *Ramphal*’s deceased son, *Man Singh*.



3. Both the plaintiffs claim that the Suit Property was in the exclusive possession of *Ramphal* and after him has been under their exclusive possession.
4. As per the plaint, *Ram Phal* was the owner of approximately 98 *bighas*, falling in several *Khasras* in *Village Maidan Garhi*. The Suit Property admeasures only 3 *Bighas* 14 *Biswas* and falls in *Khasra* No. 114. It is further claimed by the plaintiffs that *Ramphal* died on 17.08.2014, and by virtue of a registered will dated 10.12.2010, the Suit Property stood bequeathed to plaintiff no. 1 and his brother *Man Singh*, who expired on 02.05.2022. Plaintiff no. 2, being the son and sole legal heir of *Man Singh*, inherited *Man Singh*'s share in the Suit Property.
5. As per the plaintiffs, they have been in possession of the Suit Property all along and have also raised a boundary wall thereupon to protect the property from stray animals. It is claimed that the Suit Property was initially agricultural in nature and was governed by the Delhi Land Reforms Act, 1954 (hereinafter the "DLR Act"), until 20.11.2009, when the village was urbanised, and ceased to be governed by the DLR Act.
6. Plaintiffs have further alleged that daughters of *Ramphal* refused to accept his will dated 10.12.2010 and plaintiff no. 1 had to file a civil suit (CS No. 117 of 2019) in the Court of learned District Judge, South District, *Saket* Courts, against his siblings, namely *Laxmi*, *Maya*, and *Man Singh*, seeking relief of declaratory decree and permanent injunction.
7. *Vide* order dated 11.09.2019 passed in the aforesaid suit, on an application under Order 39 Rules 1 & 2 CPC, the defendants therein were restrained from creating any third-party interest in the Suit Property. The said suit is stated to be pending adjudication.



8. According to the plaint, *Laxmi* and *Maya* also filed proceedings under the DLR Act for mutation of revenue record upon the death of *Ramphal*, and, *vide* order dated 02.08.2019 passed by the Revenue Assistant, the Suit Property was mutated in favour of the daughters, *Laxmi* and *Maya*, along with the sons, i.e. plaintiff no. 1 and *Man Singh*, father of the plaintiff no. 2.

9. The mutation order was challenged by the plaintiff no. 1 before the Financial Commissioner under the DLR Act, however, during the pendency of the appeal, *Village Maidan Garhi* was urbanised *vide* a Notification dated 20.11.2019 issued under Section 507 of the Delhi Municipal Corporation Act, 1957, taking the village out of the purview of the DLR Act and the appeal was rendered *non est*. Plaintiff then preferred a writ petition, which was registered as W.P.(C) 4348/2024, to challenge the mutation order passed by the Revenue Assistant, which petition is pending adjudication.

10. According to the plaintiffs, despite the aforesaid injunction order dated 11.09.2019 passed in CS No. 117 of 2019, *Laxmi* and *Maya* entered into an Agreement to Sell (hereinafter the “ATS”) dated 03.04.2023 with the defendant (appellant), thereby selling their undivided interest in the Suit Property. Plaintiffs have alleged that the defendant forcibly took possession of the Suit Property in the first week of October 2023, even though the ATS did not confer any legal title or right of possession upon the defendant.

11. Plaintiffs have alleged that the sale of undivided interest by the sisters to the defendant is illegal since the sisters do not have any interest in the Suit Property by virtue of will dated 10.12.2010 of *Ramphal*.

12. It is further submitted that the ATS was entered into in breach of the injunction order dated 11.09.2019 passed in CS No. 117 of 2019, which makes the agreement illegal and *non est*. Plaintiff has filed a contempt



petition against *Laxmi* and *Maya*. The contempt petition, registered as no. 1/2024, and is stated to be pending.

13. Countering the above allegations, curiously, the defendant in his written statement, while denying the specific allegations made by the plaintiff, has however admitted the plaintiffs to be his co-owners of the Suit Property. It is denied that the defendant acquired undivided interest in the Suit Property from *Laxmi* and *Maya*, the daughters of *Ramphal*.

14. In his written statement, the defendant has alleged that he procured undivided interest in the Suit Property by purchasing 1/3rd share of *Smt. Yashee Jaspal* and 2/15th share of *M/s Gurukul Leather*, by way of a Sale Deed dated 11.08.2022. Defendant claims to be in exclusive possession of the Suit Property by virtue of the said sale deed. It is alleged that the aforesaid sellers had purchased the undivided interest in the Suit Property from *Sh. Laik Ram* and *Sh. Subedar Ram Ritch Pal*, the brothers of *Ram Phal*. It is worth noting that the as per the sale deed dated 11.08.2022, the defendant has purportedly been put in “joint undivided possession” of the Suit Property.

15. Noticeably, in the written statement, it is alleged that *Ramphal* was never in actual physical possession of the Suit Property, which was in exclusive possession of his co-owners, whose names have not been disclosed. Nor does the aforesaid sale deed allude to the names of the sellers from whom the defendant’s vendors had purchased an interest in the Suit Property.

16. According to this Court, the defendant is evasive in his response.

17. Be that as it may, the fact that the defendant has admitted the plaintiffs to be his co-owners, the objection raised to the grant of injunction



is mitigated. It is immaterial who the defendant has purchased an interest in the Suit Property from, or that it has not been purchased from the sisters of plaintiff no. 1, as long as the defendant admits to be a co-owner of an undivided interest in the Suit Property.

18. Defendant has opposed the relief for possession, questioning the plaintiff's right as a co-owner to claim possession of the Suit Property from the defendant without seeking relief of partition in the undivided Suit Property. Defendant has also alleged that the co-owners of *Ramphal* have been in adverse possession of the Suit Property since 2010, which precludes the plaintiff from claiming possession of the Suit Property from the defendant who is a successor-in-interest of the said co-owners.

19. Given the aforesaid facts, this Court is of the view that the Trial Court has rightly directed the parties to maintain *status quo* in relation to the Suit Property pending final adjudication of the rival claims of the parties.

20. The plaintiffs cannot seek interim mandatory injunction against the defendant for delivering possession to the plaintiffs. Even the plaintiff has admitted the defendant to have purchased the interest in the Suit Property from the sisters of the plaintiff no. 1, who admittedly are the legal heirs of *Ramphal*, but for the will dated 10.12.2010, on the basis of which plaintiffs claim that the sisters do not have any right in the Suit Property. However, it is the plaintiffs' own case that the sisters have a mutation order in their favour passed by the Revenue Assistant under the DLR Act, whereby they have been recorded as the owners of the Suit Property.

21. The mutation order dated 02.08.2019 is under challenge by the plaintiff, however, it only shows that even the plaintiff's claim to be the exclusive owner of the Suit Property is yet to be adjudicated.



22. The Trial Court seems to have balanced the equities, given the rival contentions of the parties. The defendant's challenge to the impugned order is legally not made out, given the defendant's admission that the plaintiffs are co-owners along with the defendant. The objections to the maintainability of the suit are subject to the adjudication of the rival facts pleaded by the parties upon conclusion of trial.

23. In the considered opinion of this Court, the impugned order suffers from no infirmity, and the discretion cannot be said to be arbitrary or perverse in any manner. The impugned order is well reasoned and legally articulated.

24. Accordingly, the appeal fails. Consequently, the same is dismissed.

25. Pending applications shall stand closed.

MANOJ KUMAR OHRI, J

MARCH 19, 2026

nb